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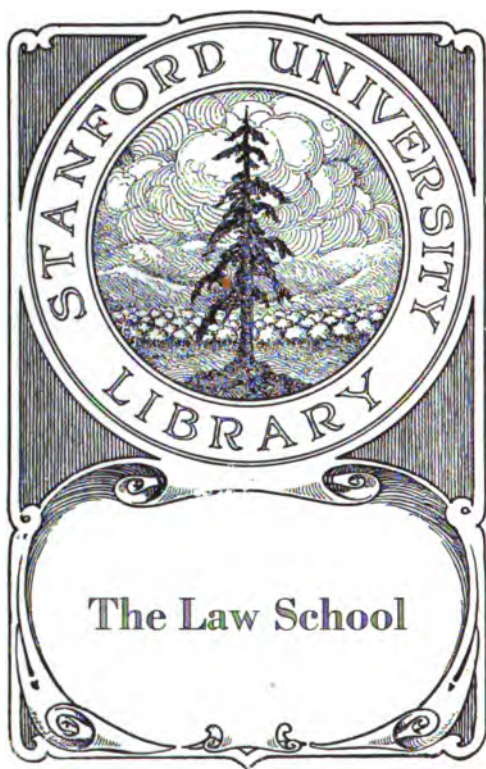
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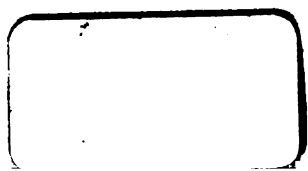
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New York Collections







L A W S  
OF THE  
STATE OF NEW YORK,  
PASSED AT THE  
NINETY-FIFTH SESSION  
OF THE  
LEGISLATURE,

BEGUN JANUARY SECOND, AND ENDED MAY FOURTEENTH, 1872,  
IN THE CITY OF ALBANY.

VOL. II.



ALBANY:  
V. W. M. BROWN, PUBLISHER.  
1872.

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VERBODEN TOEGANG



# Chap. 479.

AN ACT relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Anna M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe, for and during their natural lives.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. On the application by petition by Joseph Cudlipp, Anna M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe, and their lawful issue in being, in person, if of age, and by a next friend, if infants, the Supreme Court at a general or special term thereof, to be held in the county of Westchester, at White Plains, or for the county of Kings, at the city of Brooklyn, may authorize the sale, in fee simple absolute, of the lands, premises and real estate, situate, lying and being in the town of Morrisania, county of Westchester, which in and by the last will and testament of Joseph Cudlipp, deceased, bearing date the twentieth day of June, one thousand eight hundred and sixty-two, and admitted to probate by the Surrogate of the county of New York on the twenty-second day of September, one thousand eight hundred and sixty-three, were devised to Joseph Cudlipp, Annie M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe, during their natural lives; and upon their deaths, respectively, to their respective children forever, or any part or parts, parcel or parcels, portion or portions of said lands, premises and real estate at one time, or from time to time, as may be adjudged to be expedient and calculated to promote the interests of those who would be entitled to said lands, premises and real estate upon the deaths of the said Joseph Cudlipp, Anna M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe, according to the provisions of the said last will and testament, whether in being or

Supreme Court may order sale of lands on petition of parties named.

Description of lands.

Notice of application.

Guardians for infants.

Referee to sell.

Sale, how made.

Referee to report.

In case of private sale, terms to be reported, before sale is made.

Effect of conveyance.

not, or whether having a present or contingent interest in said lands, premises and real estate, ten days' notice of such application shall be given to all persons having an interest in said lands at the time of such application. On such application the court shall appoint one or more suitable persons as a special guardian or guardians of such of said applicants, or the parties to the proceedings, as may be an infant or infants, in relation to the proceedings on such application.

§ 2. If the court shall order a sale of said lands, premises and real estate, or of any part, parcel or portion thereof, it shall appoint some fit and suitable person as a referee, by whom or under whose direction such sale shall be made. Such sale may be either public or private, as the court may deem expedient. If a public sale shall be ordered, the same shall be made under the direction of such referee, and at such time and place, or times and places, and on such notice or notices as the court shall require. Such referee shall make a report to the court of his proceedings in respect to such sale, and, if the court approve of the sale so made, it shall confirm the same, and authorize and direct the said referee to execute a conveyance or conveyances accordingly of the premises so sold. If the court shall order said lands, premises and real estate, or any part or parts, portion or portions thereof, to be sold at private sale, the said referee shall, in connection with such of the applicants as shall then be of full age, and the special guardian or guardians of such as may be under age, submit to the court in writing the price for which and the terms upon which it may be proposed to make such sale, and the court, if it approve thereof, shall order such sale to be made accordingly, and authorize and direct the said referee to make the same and to execute a conveyance or conveyances to the purchasers.

§ 3. All such conveyances made as aforesaid, in pursuance of such authority and direction, shall be valid and effectual to vest in the purchaser or purchasers, his, her, or their heirs and assigns, a fee simple, absolute, as against all persons having any claim to or right, title, interest or estate in such lands, premises and real estate under the said last will and testament; and all persons,

whether in being or not, who might become interested therein under said will, and the court, may also require the executor of said last will and testament, and such of the applicants as may be of full age, and the special guardian or guardians of such applicants as may be under age, to join the said referee in the due execution and acknowledgment of any conveyances to be made by such referee in pursuance of this act, and to release any and all interest or claim upon said lands, premises and real estate.

Guardians  
to join in  
convey-  
ance.

§ 4. Such referee shall receive the proceeds of sale, and shall pay thereout such sum as the court may allow for the costs and expenses of sale and the proceedings had in pursuance of this act, and also such proper expenses as may be incurred by him in the discharge of his duties as such referee, or for the benefit of the said property or those interested therein; and shall also pay thereout, under the direction of the court, all taxes, assessments, liens, charges and incumbrances which now are or which shall hereafter become due on said property, or any part or parcel or portion thereof, or for, with or by, which the said property or said lands, premises or real estate, or any part or parcel or portion thereof, is or shall become liable, chargeable or incumbered; and shall make such other payments out of said proceeds as may be directed by the court for the benefit of said property or those interested therein; and the residue of proceeds of such sale shall be paid over by said referee to the treasurer of the county of Westchester or such trust company as the court may direct, and be invested by and in the name of the treasurer of the county of Westchester or of such trust company on bonds and mortgages, which mortgages shall be upon real estate in this State, for the benefit of such persons as are or may become interested in said lands, premises and real estate, under the provisions of said last will and testament; and the same, as well as the interest and income thereof, shall abide the order of said court. And said life tenants may consent to receive a sum in gross in lieu of their several life interests therein, in accordance with section sixty-one, chapter five, part three, of the fifth edition of the Revised Statutes of the State

Proceeds  
of sale,  
how dis-  
posed of.

Gross  
sum to life  
tenants.

of New York, and that they be reimbursed out of the proceeds of such sale for their several proportions of any assessments for permanent improvements imposed upon said premises, or any part thereof which may have heretofore been paid by them.

Costs and  
expenses.

§ 5. The court shall have power to make such allowance as it may in its discretion deem proper, for the costs and expenses of the proceedings had under or by virtue of this act.

§ 6. This act shall take effect immediately

## Chap. 480.

### AN ACT to incorporate the St. Lawrence Bridge Company.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpo-  
rators.

SECTION 1. Henry. R. James, William J. Averill, William L. Proctor, Louis Hasbrouck, junior, Samuel H. Palmer, Walter B. Allen and Henry Rodee, their associates, successors and assigns, and such other persons as may hereafter become stockholders, as hereinafter provided, are hereby constituted a body politic and corporate by the name of the St. Lawrence Bridge Company, with perpetual succession, and by that name may sue and be sued, and have a common seal.

Corporate  
name.

Capital  
stock.

§ 2. The capital stock of said corporation shall be one million dollars, in shares of one hundred dollars each, with power to increase the amount if necessary to complete the work by this act contemplated.

Corpora-  
tion to  
construct  
bridge.

§ 3. Said corporation is hereby authorized to construct and maintain a bridge over the St. Lawrence river from some point in the city of Ogdensburg to some point in the townships of Augusta or Edwardsburgh, Canada, for railway or highway purposes, or both; with at least, one draw or open of sufficient capacity to allow the free passage of all such vessels, rafts, or other craft that navigate said river, of not less than four hundred feet, the same at all times to be opened free of expense for the passage of such craft.

§ 4. The persons herein named shall be the first directors of said corporation, to hold their office and manage its affairs until successors are chosen by the stockholders thereof; and the directors of said corporation shall choose from their number a president, a secretary and a treasurer; fill vacancies in such offices and issue certificates of stock to persons becoming stockholders, to be signed by the president and secretary.

Corporators to be first directors.

Officers.

§ 5. Said corporation shall have the right to issue its bonds for the purpose of obtaining money to construct its works, but not to exceed in amount its capital stock, payable in thirty years, with interest semi-annually, secured by a trust mortgage, or mortgages, on its property and franchise, to be executed under the seal of said corporation and signed by its president and secretary; and such bonds, or the stock of said corporation, or either, may be sold as shall be agreed for the purposes of constructing said bridge.

Bonds to be issued.

§ 6. The said corporation, for the purpose of constructing a bridge, as in the third section specified, is hereby authorized to purchase and hold so much real estate as shall be useful, necessary or advantageous in the erection and maintenance of such bridge, or to open rights of way thereto; and the further right to sink and maintain piers and to drive and maintain piles in the waters and bed of said river as may be necessary for the same purpose.

May hold necessary real estate and sink piers, etc.

§ 7. The directors herein named are authorized to receive subscriptions to the capital stock of the corporation hereby authorized, at such times and places as shall be by them designated; to fix the terms and times of payment, and, in case of default of payment at the times when the same shall become due, to prosecute the same, or forfeit the stock together with all payments made thereon.

Directors to receive subscriptions to stock.

§ 8. Whenever one hundred thousand dollars of stock shall be subscribed, it shall be the duty of the directors herein named to call a meeting of the holders of such stock for the election of directors. A notice of such election shall be given by publishing the same for thirty days in one or more daily or weekly newspapers published in the city of Ogdensburgh and in the town of

Stockholders' meeting.

Notice to be published.

Prescott, Canada; and thereafter the annual election shall be held on the second Wednesday of December in each year, and the fiscal year of such company shall commence on the first day of January in each year; the holders of stock shall be entitled to one vote for each share of stock held by him or her; and the persons holding the highest number of votes shall be declared elected.

Title to  
real  
estate,  
how  
acquired.

§ 9. In case the said corporation cannot agree with the owners of land required for its use, it is hereby authorized and empowered to acquire title to such land in the same manner as railroad corporations under the general railroad act and its amendments.

Rates of  
toll.

§ 10. Said corporation is hereby authorized to fix general rates for the use of said bridge, and to demand, collect and receive such rates to its use; and when the rates are once fixed, they shall not be changed except by resolution of the board of directors, and such change shall not take effect until thirty days after the first publication of the notice thereof, as notices of election are herein required to be published.

Penalty  
for willful  
injuries.

§ 11. Any person willfully or wantonly injuring, obstructing or destroying, or causing to be injured, obstructed or destroyed said bridge, its abutments, piers, piles, boats, draws or appurtenances, shall forfeit treble damages and be deemed guilty of a misdemeanor; such damages to be recovered by action in any court, with costs, having jurisdiction; and in case any such injury is done by a vessel, raft, or other craft, the same may proceed against by attachment, in any court having jurisdiction thereof.

General  
powers.

§ 12. The corporation hereby created shall possess all the powers and be subject to the liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 13. This act shall take effect immediately.



## Chap. 481.

AN ACT to amend an act entitled "An act to incorporate the village of Warwick," passed April fifteenth, eighteen hundred and sixty-seven.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of title two of the act entitled "An act to incorporate the village of Warwick," passed April fifteenth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

§ 1. The officers of said village shall be a president, four trustees, one treasurer, one clerk, one police justice, one police constable, three assessors, and one collector of taxes and assessments, all of whom shall be elected by ballot by the electors of said village, and shall hold their offices respectively during the terms prescribed by this act, and until their successors shall be duly qualified, and such other officers as the trustees of said village, as hereinafter authorized, shall legally appoint.

Village officers.

§ 2. Title two of the said act is hereby further amended by the addition of the five following sections.

§ 21. A police justice shall be elected in the village of Warwick, at the next annual election of officers of said village, who shall take the oath of office before the county clerk of Orange county, and enter upon the discharge of the duties of his office, within ten days after notice of his election, and shall hold the same for the term of two years from the first day of August next ensuing. And every second year thereafter a police justice shall be elected for the term of two years, who shall enter upon the discharge of the duties of his office on the first day of August next ensuing his election. All the provisions of the law applicable to the election of trustees in this act, and the return and canvassing of the votes, shall be applicable to the election of said police justice, so far as the same can be made applicable, except that the notice of the first election after the passage of this act shall be published the week previous to

Police justice.

His term of office.

Election of, etc.

Vacancy,  
how  
filled.

such election, under the direction of the trustees; and in case of vacancy happening in said office of police justice, the trustees of the said village are hereby empowered to call a special election to fill such vacancy, and the person so elected shall hold the office until the next annual election thereafter.

Jurisdic-  
tion.

§ 22. The jurisdiction of said police justice shall be the same as that now possessed by justices of the peace in the town of Warwick, in both civil and criminal cases; and said police justice shall have power, and it shall be his duty to hear, try and determine and render judgment in all civil and criminal cases, special proceedings, matters and things, in all respects, as justices of the peace now have power to do in the county of Orange, and to issue warrants for the apprehension of criminals, and those suspected of or charged with crime, and in proper cases to bind the prisoner over for trial at a higher court, and to issue summonses, subpoenas, venire, and any and all other writs necessary and proper for the full execution of the powers hereby conferred upon him; and to enforce obedience to the several writs the same as justices of the peace can now do. The form and substance of the several writs and process issued by said

Form,  
etc., of  
writs and  
process.

police justice shall in all cases be the same, as near as may be, with those now issued by justices of the peace, and shall be returnable within the same time, and said police justice shall be entitled to charge the same fees as justices of the peace. The keeper of

Duty of  
jailor.

Orange county jail and all other officers of the said county of Orange, as well as those of the town of Warwick, are hereby required to obey and give the same force and effect to all the orders, commitments, judgments and decrees of said police justice as though the same were issued by a justice of the peace. An appeal may be taken from all decisions of said police justice, in both civil and criminal cases, to the same court, and whenever an appeal would lie from a like decision made by a justice of the peace. Said police justice shall, on the first Monday of each month, pay over to the treasurer of the village all fines and penalties recovered and received by him during the preceding month. Said police justice shall have, within the county of Orange,

Appeals.

May take  
oaths, etc.

the same power and authority as a justice of the peace of said county to administer oaths and affirmations, and to take and certify acknowledgments.

§ 23. Said police justice shall have exclusive power to hear, try and determine all actions and complaints brought to recover any fine or penalty imposed for the violation of any law, ordinance, by-law, rule or regulation of said village, and to render such judgment in the case as may be authorized by law.

Exclusive jurisdiction.

§ 24. It shall be the duty of the several justices of the peace in and for the town of Warwick, or one of them, to be designated by the president of the said village during sickness or absence from the village, or inability of said police justice to act in his stead, or during any vacancy in said office, to render the same service, and he shall be entitled to receive therefor the same fees as said police justice would receive for the same service, but no justice of the peace shall receive any compensation for criminal business of any kind performed or arising within said village, except as above provided, nor shall said village or any inhabitant thereof be liable to pay any justice of the peace or constable's fees for services performed within said village.

In case of sickness, etc., justice of peace to act in place of police justice.

§ 25. When any warrant issued by said police justice shall be returned during his absence from the village, sickness or inability to act, or during a vacancy in said office, any further proceedings on such warrant may be had before any justice of the peace residing in said town of Warwick; and all warrants issued by such police justice for the apprehension of criminals shall have the same effect, and be subject to the same restrictions as warrants issued by justices of the peace in like cases; and all justices of the peace shall forthwith pay over to the treasurer of said village all fines and penalties imposed and received by them for or on account of any violation of the provisions of the act of incorporation of the said village and the acts amendatory thereof, or of any rule, regulation, ordinance or by-law of the said village.

Proceedings on return of warrant when police justice is absent, etc.

§ 3. Section one of title five of the said act is hereby amended so as to read as follows:

Village a  
separate  
road  
district.

Street  
superin-  
tendent.

Bridge to  
be town  
charge.

Commis-  
sioner of  
highways  
to issue  
bonds.

Power  
and  
authority  
of trust-  
ees.

§ 1. The said village of Warwick is hereby declared a separate road district, and shall be exempt from the jurisdiction and control of the commissioners of highways of the town of Warwick aforesaid. The trustees of said village shall be commissioners of highways in and for said village, and shall possess all the powers given by any law of the State of New York to the commissioners of highways, as far as the same may be applicable, and the said trustees for the purpose of improving the streets and bridges, may from time to time contract with or appoint an individual or individuals to superintend the work and procure the materials directed by said trustees to be done and procured in and for said district, and may compensate such individual for his services out of the highway taxes, the said trustees having the direction as to the amount to be expended and the work to be done and the materials to be procured, and whenever it is necessary to build a new bridge in said district, the trustees of the said village and the commissioners of the said town are hereby authorized to cause the same to be built as a town charge. The commissioner of the highways of the said town of Warwick is hereby directed to pay for the same by issuing the bonds of said town, payable on the first day of February ensuing the next annual meeting of the board of town auditors of said town after the giving of such bonds. The board of town auditors of the said town of Warwick are hereby required to audit and allow to the person holding said bonds the amounts specified therein, which amounts shall be included by the board of supervisors of the county of Orange at their annual meeting in the rate of taxes for said county and town, and levied and collected as taxes are now levied and collected by law.

§ 4. Title five of the said act is hereby further amended by the addition thereto of the following section:

§ 35. The trustees of the said village shall have the same power and authority in the assessment of highway taxes in said village as the commissioner of highways of the town of Warwick has or may have by law, with the exception that the said trustees in making their assess-

ment of highway taxes may and shall use the last preceding assessment roll made and prepared by the assessors of the said village for the collection of the general fund tax of the said village, and the individual contracted with or appointed by the said trustees to superintend the performance of highway labor shall possess all the powers and perform all the duties that overseers of highways of the said town of Warwick may or shall possess and perform in relation to the said road district, but he shall be subject to removal at any time by the board of trustees.

§ 5. All provisions of the said act inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect immediately.

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## Chap. 482.

AN ACT to authorize the United States Contracting Company to change its name.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The United States Contracting Company may change its name to the United States Security Company by filing a certificate of such change of name in the office of the Secretary of State, and in the office of the clerk of the city and county of New York, signed and acknowledged by two-thirds of the trustees thereof; but nothing herein contained shall affect any suit or proceeding now pending, or the rights of any party.

Name,  
how  
changed

§ 2. This act shall take effect immediately.

## Chap. 483.

AN ACT to amend an act entitled "Act to prevent the unlawful taking of oysters planted within the waters of the State of New York," passed April twenty-one, eighteen hundred and sixty-six.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to prevent the unlawful taking of oysters planted within the waters of the State of New York," passed April twenty-one, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Penalty  
for unlaw-  
fully  
disturbing  
taking or  
oysters.

§ 1. Any person who shall unlawfully take up, or take and carry away by any means, or who shall by means of dredges, drags, rakes, tongs or other implements, or in any manner, catch, interfere with, or disturb the oysters of another now or hereafter lawfully planted upon the bed of any of the rivers, bays, sounds or other waters within the jurisdiction of this State, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment in the common jail of the county, where the offense was committed, for a period not exceeding six months, or by both such fine and imprisonment.

§ 2. Section two of said act is hereby amended so as to read as follows:

Special  
sessions to  
try and  
punish  
offenders.

§ 2. The court of special sessions of this State, in and for the county where any offense shall be committed under the provisions of this act, shall have jurisdiction to hear, try and determine the same, and upon conviction to punish the offender as provided in the first section of this act.

§ 3. This act shall take effect immediately.



## Chap. 484.

AN ACT to provide for the endowment of the Unadilla academy.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever a majority of the tax-payers of the town of Unadilla, in the county of Otsego, whose names appear upon the last preceding assessment roll of said town, as owning or representing more than one-half of the taxable property in said town, shall make application to the county judge of Otsego county by petition, verified by one of the petitioners, setting forth that they are such a majority of tax-payers, and own or represent more than one-half of the taxable property aforesaid, and that they desire that said town shall appropriate ten thousand dollars being a part of a surplus of the moneys of said town in the hands of the railroad commissioners of said town, and for which surplus money said town has incurred no liability, toward the payment of the salaries of teachers employed by the trustees of the Unadilla academy; it shall be the duty of said judge to order, that a notice be forthwith published in some newspaper published in said county, that, on a certain day therein named, which shall not be less than ten, nor more than thirty days from the date of publication, and at a place in said town in said notice named, he will proceed to take proofs of the facts set forth in said petition.

When majority of tax-payers apply for town appropriation, county judge to order notice published of taking proofs.

§ 2. It shall be the duty of said judge, at the time and place mentioned in said notice, to proceed to take proof of the truth of the allegations in said petition, and if it shall appear satisfactorily to him that the petitioners are a majority of the tax-payers as aforesaid, and that they own or represent more than one-half of the taxable property aforesaid, he shall so adjudge and determine, and cause the same to be entered of record, and the roll thereof, consisting of the original petition, order, notice, proof of publication, and copy of his de-

Proceedings before judge.

Effect of judgment.

termination, to be filed in the office of the clerk of the county of Otsego. And such judgment and record thereof shall have the same force and effect as other judgments and records of courts of record in this State.

Entry of judgment to vest \$10,000 in railroad commissioners in trust.

§ 3. Upon the entry of record of said judgment and determination, the sum of ten thousand dollars shall immediately vest in the railroad commissioners of said town, and their successors in office, in trust for the uses and purposes mentioned in the first section of this act, and they shall, within thirty days thereafter, by resolution entered on their books, set the same apart for that purpose, and the income, dividends, or interest thereof, shall thereafter be applied exclusively by the said commissioners toward the payment of the salaries of teachers employed by the trustees of the said Unadilla academy. The rights, powers, liabilities, and duties of the said railroad commissioners, except as herein expressed, shall remain the same as if this act had not been passed.

Money to be loaned by commissioners.

§ 4. In the event of the appropriation of said sum of ten thousand dollars, the said commissioners shall have power, and it shall be their duty, to loan said money in sums not exceeding three thousand dollars to any one person, on bonds secured by mortgage, which shall be first liens on real estate in the town of Unadilla, double in value of the sums loaned thereon, exclusive of the buildings. Said bonds and mortgages shall be taken by them as railroad commissioners of the town of Unadilla, and of the fund set apart by said town for the benefit of the Unadilla academy, and they shall have full power in such name to do all and every act and acts necessary to enforce collection of the same.

Interest to be paid over on order of trustees.

§ 5. It shall be the duty of the said railroad commissioners, from time to time, as they shall receive the same to pay over the interest of the moneys set apart, as aforesaid, upon the orders of the trustees of the said Unadilla academy by their president or treasurer to the person or persons employed by them as teacher or teachers in said academy, in which order it shall be certified that the person receiving the same is such teacher, and that the sum therein expressed is due for services actually rendered in that capacity.

§ 6. Whenever the property of the Unadilla academy shall cease to be used for educational purposes, including therein instruction in the classics and higher English branches for the period of two years, the said ten thousand dollars and the unapplied interest thereof in the hands of said commissioner shall revert to the use of the town of Unadilla, which facts may be determined by the county judge of said county upon the petition of any tax-payer of said town upon the like notice and proceedings as are herein provided for the setting apart of the same.

When  
sum ap-  
propri-  
ated to  
revert to  
town.

§ 7. All acts and parts of acts inconsistent with this act, so far as the same may affect or relate to the town of Unadilla, are hereby modified so as to give full force and effect hereto.

§ 8. This act shall take effect immediately.

## Chap. 485.

AN ACT to amend chapter twelve of the Laws of eighteen hundred and seventy-two, entitled "An act prescribing the officers and employees that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Sections one, two and three of an act entitled "An act prescribing the officers and employees that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof," passed February first, eighteen hundred and seventy-two, are hereby amended so as to read as follows:

Officers to be elected or appointed by Senate.

By the president.

By the clerk.

Officers to be elected or appointed by the Assembly.

By the Speaker.

By the clerk.

Salaries.

§ 1. The Senate may elect or appoint a clerk, a stenographer, a sergeant-at-arms and an assistant who shall act as postmaster, an assistant postmaster, a doorkeeper and six assistants, one person who shall act as janitor and keeper of the Senate chamber and its anterooms, and one assistant; not more than sixteen persons to serve as clerks of committees, and not more than eight pages, and not more than ten messengers to committees. The President of the Senate may appoint a clerk and messenger, and the clerk of the Senate may appoint an assistant clerk, a journal clerk, four deputy clerks, one of whom shall act as clerk of the committee on engrossed bills; a librarian, an assistant librarian, a superintendent of documents and three messengers.

§ 2. The Assembly may elect or appoint a clerk, a stenographer, a sergeant-at-arms, and an assistant, a postmaster and an assistant, a superintendent of documents, a doorkeeper and ten assistants, one person who shall perform the duties of janitor and keeper of the assembly chamber and its ante-rooms, and an assistant, a mail carrier who shall carry the mails for both the Senate and Assembly, not more than sixteen persons to serve as clerks of committees, not more than six general messengers, not more than seventeen messengers to committees, one of whom shall serve as messenger to the committee on engrossed bills, and not more than twenty pages, to be in employ and drawing pay at one time. The Speaker may appoint a clerk and messenger, and the clerk of the Assembly, may appoint an assistant clerk, a journal clerk and not more than nine deputies, one of whom shall be clerk to the committees on engrossed bills, a librarian and an assistant, and not more than five messengers.

§ 3. The following salaries shall be paid for the annual session of the Legislature: To the clerks of each house, three thousand dollars; to the assistant clerks and journal clerks each, fifteen hundred dollars; to the deputy clerks each, twelve hundred dollars, except to the clerks assigned to the committees on engrossed bills to them; to the clerk of the President of the Senate and to the Speaker's clerk, six hundred dollars; to the sergeants-at-arms, the assistant sergeants-at-arms, the librarians, the assistant

librarian, the postmaster of the Assembly, the assistant postmasters of the Senate and Assembly, and the doorkeepers to each of them, six dollars per day; to the assistant doorkeepers, the keepers and janitors, the assistant keepers and janitors, and superintendents of documents of the Senate and Assembly each, five dollars per day; and each of the officers in this section above named, shall receive the same mileage as is now allowed by law to the members of the Legislature. To the stenographers, fifteen hundred dollars each; to the clerks of the committees each, five dollars per day; to the mail-carriers, three dollars per day; to the messengers each, three dollars per day; to the pages each, two dollars per day. And no extra allowance shall be made to the officers and employees above named, on any pretence whatever. The mileage, salary and per diem allowance in this section provided for, shall be paid on the warrant of the Comptroller, upon the certificate of the President of the Senate for the officers and employees of the Senate, and on the certificate of the Speaker for the officers and employees of the Assembly. All appointments made under this act shall be entered on the journal of the house wherein they are so made, such entry shall specify the date of the appointment, and the length of time the same is to be continued.

No extra allowance.

Salary, etc., how paid.

Appointments to be entered on journal.

§ 4. This act shall take effect immediately.

## Chap. 486.

AN ACT to release the interest of the people of the State of New York, in certain land, to John Lietz.

Passed May 3, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** All the right, title and interest of the people of the State of New York, of, in and to all that certain piece or parcel of land situate, lying and being in the city of Brooklyn, in the State of New York, and described as follows; to wit: Commencing at a point on

Interest of State released.

Descrip-  
tion.

the west side of Graham avenue in said city, distant seventy feet northerly from the northwest corner of Graham avenue and Ainslie street, running thence northerly along Graham avenue five feet; thence westerly parallel with Ainslie street seventy-five feet; thence southerly parallel with Graham avenue five feet, and thence easterly seventy-five feet to the place of beginning, of which Simon Jeanneret late of the said city of Brooklyn, died, seized, and which, in his life-time, the said Jeanneret sold and intended to convey to John Lietz of said city of Brooklyn, by his certain deed bearing date March fourteenth, eighteen hundred and seventy, and recorded in said King county register's office, in liber nine hundred and thirty-nine of conveyances at page sixty-one, March seventeenth, eighteen hundred and seventy, the said Simon Jeanneret having since died without heirs, is hereby released to said John Lietz, his heirs and assigns, and the title of the said John Lietz to said land and premises is hereby confirmed, and he is hereby authorized and empowered to take, hold and convey the same, in the same manner and with the like effect as the people of the State could do.

Not to  
impair  
vested  
rights.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditors by mortgage, judgment or otherwise, or of any heir at law or devisee in said real estate.

§ 3. This act shall take effect immediately.

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## Chap. 487.

**AN ACT** to amend an act entitled "An act to provide for the erection of wharves and piers in the Harlem river, below the Second avenue," passed April fourth, eighteen hundred and sixty-eight

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section one of the act entitled "An act to provide for the erection of wharves and piers in the



Harlem river, below the Second avenue," passed April fourth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

§ 1. It shall be lawful for the proprietors of grants of land under water in the Harlem river, between the termination of the Third avenue and the East river, instead of building an exterior continuous bulkhead, as now laid out by the harbor commissioners, to erect piers and wharves therein, and to excavate the slips between the same, but in no case shall any such pier or wharf be extended into the river further than the said exterior line as fixed by the said harbor commissioners.

Proprietors of land under water may erect piers, etc.

§ 2. This act shall take effect immediately.

## Chap. 488.

AN ACT to confirm the oath of Henderson Harger, collector of taxes of the town of Carrolton, in the county of Cattaraugus, to his return for the non-payment of non-residents taxes of the year eighteen hundred and seventy-one.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The oath of Henderson Harger, collector of the town of Carrolton, Cattaraugus county, made before Job Moses, a notary public, to his return for the non-payment of non-resident taxes, on the thirtieth day of March, eighteen hundred and seventy-two, is hereby ratified and confirmed with the same force and effect as though the same had been made before the treasurer or a justice of the peace, as is by law required.

Oath of collector to return of taxes confirmed.

§ 2. This act shall take effect immediately.

## Chap. 489.

**AN ACT** to provide for the exchange of first mortgage bonds of the Poughkeepsie and Eastern Railroad Company for second mortgage bonds of the said company, by the commissioners appointed to issue the bonds of the city of Poughkeepsie, in aid of the construction of the Poughkeepsie and Eastern railroad, and to invest the same or the avails thereof in the first mortgage bonds of the said railroad company.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented, in Senate and Assembly, do enact as follows:*

Special  
election.

Question  
to be  
voted on.

Notice to  
be given.

**SECTION 1.** The common council of the city of Poughkeepsie shall appoint a special election to be held on or before the first day of July, eighteen hundred and seventy-two, at which a vote of the taxable voters of the said city shall be taken by ballot, "for the exchange by the commissioners to bond the city in aid of the Poughkeepsie and Eastern railroad of the three hundred thousand dollars of the first mortgage bonds of the said company, in their hands, for three hundred and fifty thousand dollars of the second mortgage bonds of the said company," or "against the exchange by the commissioners to bond the city in aid of the Poughkeepsie and Eastern railroad, of the three hundred thousand dollars of the first mortgage bonds of the said company in their hands for three hundred and fifty thousand dollars of the second mortgage bonds of the said company." Notice of the time and place of holding such election, and the object thereof, shall be published once a week for three weeks next previous to the said election, and all the provisions of the charter of the city of Poughkeepsie as to the appointment of inspectors of special elections, and the taking and canvassing of votes thereat, and the certifying the result thereof shall be applicable thereto.

§ 2. In case a majority of the ballots cast at such election shall be "for the exchange by the commissioners to bond the city in aid of the Poughkeepsie and Eastern railroad of the three hundred thousand dollars of the first mortgage bonds of the said company in their hands for three hundred and fifty thousand dollars of the second mortgage bonds of the said company," then Jacob B. Jewitt, John P. Adriaunce and George Parker, commissioners appointed by the county judge of Dutchess county, on the nineteenth day of January, eighteen hundred and seventy-two, to create and issue the bonds of the city of Poughkeepsie for three hundred thousand dollars, and to invest the same or the proceeds thereof in the first mortgage bonds of the Poughkeepsie and Eastern Railroad Company, and their successors are authorized and empowered to exchange with the Poughkeepsie and Eastern Railroad Company the first mortgage bonds of the said company for three hundred thousand dollars now in the hands of said commissioners for three hundred and fifty thousand dollars of the second mortgage bonds of the said Poughkeepsie and Eastern Railroad Company, and the said commissioners and their successors shall, on delivery to them by the said company of its second mortgage bonds for three hundred and fifty thousand dollars, as aforesaid, deliver to the said company the first mortgage bonds of the said company, now held by the said commissioners, as aforesaid.

Proceedings in case of a majority for exchange

Names of commissioners.

§ 3. This act shall take effect immediately.

## Chap. 490.

AN ACT to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The city of Rochester is hereby authorized and empowered to issue its bonds in the denomination

City to issue bonds to

pay debt  
for im-  
prove-  
ment of  
Arsenal  
square.

Bonds,  
when pay-  
able.

of one thousand dollars each, to the amount of ten thousand five hundred dollars, for the purpose of paying off its debt incurred in the improvement of Arsenal square and accumulated interest to date. Such bonds to bear interest at the rate of seven per cent. per annum, and payable as follows: The first of said bonds on the fifteenth day of February, eighteen hundred and eighty-three, and one on the fifteenth day of February in each year thereafter, until the whole are paid. But such bonds shall not be offered or disposed of at any rate less than the par value thereof.

§ 2. This act shall take effect immediately.

## Chap. 491.

AN ACT authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland cemetery in said town.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Author-  
ized to  
remove  
remains.

SECTION 1. John Rosekrans of Wayland, in the county of Steuben, is hereby authorized to remove the remains of all persons buried on his premises on lot number seventy-one in said town, to the Wayland cemetery, a distance of one-half mile.

Notice to  
be posted.

§ 2. Said John Rosekrans shall cause notice to be posted in three of the most public places in said town, at least three weeks, stating his intention of removing such remains, and all persons interested in said remains of persons so buried shall be permitted to remove the same at any time prior to their removal by said Rosekrans. In case of the removal of such remains by said Rosekrans, he shall inter or cause the same to be interred in said Wayland cemetery in a proper manner, placing members of families in contiguous graves, and shall cause the land so occupied by said remains to be dedicated for such purpose, and shall remove and re-erect any board or tomb stones now at said graves. In case

To be re-  
interred.

of the removal of such remains by the friends of such deceased persons, the said Rosekrans shall pay all reasonable expenses of such removal. Expenses by whom paid.

§ 3. This act shall take effect immediately.

## Chap. 492.

**AN ACT** to abolish the office of the Trustees of the freeholders and commonalty of the town of Huntington, in the town of Huntington, county of Suffolk, and to create their successors.

Passed May 3, 1872; three-fifths being present.

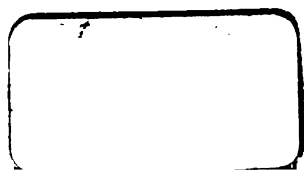
*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On and after the first Tuesday in April, in the year one thousand eight hundred and seventy-two, the office of trustees of the freeholders and commonalty of the town of Huntington, in the town of Huntington, in the county of Suffolk, shall be abolished and cease to exist. Office of trustees abolished.

§ 2. The supervisor, town clerk and assessors of the town of Huntington, and their successors, are hereby created ex-officio the board of trustees of the town of Huntington, and legal successors of the trustees of the freeholders and commonalty of the town of Huntington, and vested with all the rights, privileges, powers, duties and jurisdiction heretofore enjoyed and exercised by such trustees, over the real and personal property of the town of Huntington. The supervisor of the town shall be ex-officio president of the board of trustees of the town of Huntington hereby created. Ex-officio board of trustees.

§ 3. The president of the trustees of the freeholders and commonalty of the town of Huntington, shall, upon demand, deliver to the president of the board of trustees of the town of Huntington, hereby created; and after the date aforesaid, all records, books, papers, documents, moneys and property belonging to said town, and then in his possession or under his control. Records, books, etc., to be delivered to president of board.

§ 4. All acts inconsistent with this act are hereby repealed.





## Chap. 494.

AN ACT to amend an act entitled "An act to incorporate the Erie Basin Dock Company, in the city of Brooklyn," passed April eleven, eighteen hundred and sixty-four.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION J. The second section of the act entitled "An act to incorporate the Erie Basin Dock Company, in the city of Brooklyn," passed April eleven, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Amount of  
capital  
stock.

§ 2. The capital stock of said company shall be six hundred and fifty thousand dollars, and may be increased to any sum not to exceed two millions of dollars, to be divided into shares of five hundred dollars each, and said company may organize and commence business when two hundred thousand dollars are subscribed and paid in; said stock shall be considered personal property and shall be transferable on the books of said company.

Location  
of principal  
office.

§ 2. The principal office of the company shall be located in the city of Brooklyn.

§ 3. This act shall take effect immediately.

## Chap. 495.

AN ACT to amend an act entitled "An act to incorporate the Lewiston Suspension Bridge Company," passed March twenty-sixth, eighteen hundred and forty-nine.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporation may  
increase  
capital  
stock.

SECTION 1. The Lewiston Suspension Bridge Company may and are hereby authorized to increase the amount of their capital stock two hundred thousand dollars.



§ 2. The directors of said company are hereby authorized to issue scrip for the additional amount of capital stock hereby granted, which may be divided into shares of one hundred dollars each, and shall be deemed personal property same as original stock of said company, but the said stock shall not be increased nor the scrip issued unless the same shall be required to pay the actual expense of improvements on the property of said company, the bonds not to be sold for less than their par value.

Scrip to  
be issued.

When and  
for what  
to be  
issued.

§ 3. This act shall take effect immediately.

## Chap. 496.

AN ACT to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street and raise money to pay for the same.

Passed May 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The common council of the city of Syracuse are hereby authorized and empowered to construct a trunk sewer in Harrison and Onondaga streets in said city, from Chestnut street to Onondaga creek, with inlets and other fixtures necessary for the efficiency of said sewer, and the proper drainage of that section of the city. Said sewer to be constructed under the superintendence of the city surveyor and engineer, and in accordance with the plan and map made by the sewerage commission of said city, subject to necessary modification by direction of the common council.

To con-  
struct  
trunk  
sewer.

To be con-  
structed  
under  
superin-  
tendence  
of city sur-  
veyor.

§ 2. To pay the cost of the construction of said trunk sewer, the common council of the city of Syracuse are hereby authorized and empowered to levy and collect the estimated expense of a twenty-four inch tile sewer upon the property along the line of Harrison and Onondaga streets in said city, in the same manner as other local taxes are levied and collected, and the balance of the expense of constructing said trunk sewer shall be a general tax, to be levied and collected upon all the tax-

Cost, how  
paid.

Existing  
provi-  
sions of  
law ap-  
plicable.

able property of the city of Syracuse in the same manner as other general taxes are levied and collected. All the provisions of the charter of the city of Syracuse now in force, relating to advertising for proposals and awarding contracts, are hereby made applicable to the constructing of said trunk sewer, and no provisions of the charter of said city shall be construed so as to conflict with the provisions of this act.

§ 3. This act shall take effect immediately.

## Chap. 497.

AN ACT to amend chapter three hundred and twenty-three, of the Laws of eighteen hundred and fifty-nine, entitled "An act to define the powers and duties of the superintendents of the poor in the county of Monroe."

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter three hundred and twenty-three, of the Laws of eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Tempo-  
rary  
relief to  
paupers  
other  
than at  
county  
house.

§ 1. It shall be competent for the board of supervisors of the county of Monroe, at any meeting of said board, by a vote of a majority of the supervisors elected, to authorize the superintendent of the poor of the county of Monroe to grant temporary relief to county paupers other than at the county house, in all cases where it shall be apparent to him that the cost of support will be less expensive to the county, and after such superintendent of the poor is so authorized, and notice is given by him to the overseer of the poor of the city of Rochester, that he, the said superintendent, is prepared to furnish all such relief to county paupers in said city, the overseer of the poor of the city of Rochester shall not be entitled to any compensation for relief furnished or services rendered to any county paupers, unless the same shall have been done by the written order of the superintendent of the poor.

§ 2. This act shall take effect immediately.

## Chap. 498.

**AN ACT** for the protection of livery-stable keepers and other persons keeping horses at livery or pasture.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** It shall be lawful for all livery-stable keepers and other persons keeping any horse or horses at livery, or pasture, or boarding the same, for hire, under any agreement with the owner thereof, to detain such horse or horses until all charges under such agreement for the care, keep, pasture or board of such horses shall have been paid: Provided, however, that notice in writing shall first be given to such owner in person or at his last known place of residence, of the amount of such charges and the intention to detain such horse or horses until such charges shall be paid.

Livery stable keepers, etc., to have lien for keep of horses.

Proviso.

§ 2. From the time of giving such notice and while such horse or horses are so detained and no longer, such livery-stable keeper or other person shall have a lien upon such horse or horses for the purpose of satisfying any execution which may be issued upon a judgment obtained for such charges.

When lien to be effective.

§ 3. This act shall take effect immediately.

## Chap. 499.

**AN ACT** in relation to petit jurors for the county courts and courts of sessions, in the county of Westchester.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Whenever in the opinion of the county judge of the county of Westchester, more than thirty-six petit jurors shall be required to attend any county court or court of sessions, to be held in said county, he

County judge may order attendance of more than

thirty-six  
petit  
jurors.

may, by an order under his hand, direct such additional jurors as he shall deem necessary, not exceeding twenty-four, to be drawn.

When  
order to  
be served  
on clerk,  
etc.

§ 2. Such order shall be served on and filed with the clerk of said county, at least twenty days previous to the day appointed for the commencement of said court, and the clerk shall thereupon draw the additional number specified in such order, in all respects in the manner prescribed by law for the drawing of jurors in other cases.

§ 3. This act shall take effect immediately.

## Chap. 500.

AN ACT to amend an act entitled "An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,'" passed May fifth, eighteen hundred and seventy, passed April twenty-second, eighteen hundred and seventy-two.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,'" passed May fifth, eighteen hundred and seventy, passed April twenty-second, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Commissioners to  
lay out  
and  
extend  
Union  
avenue  
from  
Nelson  
street to  
Circular  
street.

§ 1. It shall be the duty of the commissioners of construction appointed in and by the act of the Legislature of this State, entitled "An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs," passed May fifth, eighteen hundred and seventy, to lay out and extend Union avenue from Nelson street to Circular street, in the village of Saratoga Springs one hundred feet wide, by taking the property on the northern side thereof, on a line paral-

lel and one hundred feet distant from the southern bounds thereof, between Nelson avenue and Circular street, and to cause the compensation to be made therefor to the land owners to be ascertained and appraised, and the resulting benefits to be ascertained, and assessed in the manner provided in said act, by three commissioners to be appointed by the Supreme Court at any special term thereof, upon the application of the said commissioners of construction or their attorney, upon publication of notice of the time and place of such application, in one or more of the public newspapers printed in said town, and such publication shall be the only notice required for the appointment of such commissioners; provided, however, that the resulting benefits to be assessed and appraised in carrying out the provisions of this act shall be assessed, and resulting benefits appraised upon the real property embraced within the following boundaries and no other: Commencing at the corner of Broadway and Circular street; thence following Circular street to Hamilton street; thence following Hamilton street northerly to West Congress street; thence west to Federal street; thence along Federal street north to Washington street; thence east along Washington street to Broadway; thence southerly to Spring street; thence easterly along Spring street across Nelson avenue and continue on a line parallel with Union avenue to the lake. Commencing again at the first mentioned point at the corner of Broadway and Circular street; thence along Circular street easterly to Park Place street; thence along said street easterly to South street; thence easterly on a line parallel with Union avenue, to the lake; excepting also that the expenses for grading and improving Union avenue after the same shall be widened, shall be chargeable to and paid for by the village of Saratoga Springs; excepting also, that the village shall not be chargeable for, and shall not be authorized to expend, more than five thousand dollars for the grading and improving of Union avenue as provided by this act.

Commissioners to be appointed to appraise damages, etc.

Proviso as to property to be assessed.

Expenses of grading to be chargeable to village.

Amount limited.

§ 2. This act shall take effect immediately.

## Chap. 501.

### AN ACT for the relief of the Lake Champlain and Moriah Railroad Company.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

L. C. & M.  
R. R. Co.  
exempted  
from pro-  
visions of  
law in  
relation to  
rate of  
fare.

SECTION 1. The Lake Champlain and Moriah Railroad Company is hereby exempted from the application of so much of the ninth subdivision of section twenty-eight of an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, as fixes the maximum rate of compensation which may be charged for the transportation of a passenger and his ordinary baggage over said road.

## Chap. 502.

### AN ACT declaring Cold brook, in the county of Clinton, and Alder brook, in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of that river, public highways.

Passed May 3, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Cold  
brook and  
Alder  
brook  
made  
public  
highways.

SECTION 1. That Cold brook, in the county of Clinton, and Alder brook in the counties of Clinton and Franklin, tributaries of the Saranac river, and emptying into the north branch of said Saranac river, are, and each of said brooks is hereby declared a public highway at the point of confluence of each with said Saranac river.

§ 2. All the provisions of the act entitled "An act declaring the river Saranac a public highway," passed May thirteenth, eighteen hundred and forty-six, as amended by the act entitled "An act to amend an act declaring the river Saranac a public highway," passed April thirteenth, eighteen hundred and fifty-three, are hereby made applicable to the said Cold brook and Alder brook, and each of them.

§ 3. This act shall take effect immediately.

## Chap. 503.

## AN ACT to incorporate the Whitestone Savings Bank.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Roswell D. Tuckey, George Cuthbert, Edwin Powell, John D. Locke, D. D. Mackay, Peter F. Westervelt, Herman C. Poppenhusen, E. B. Horton, Jr., Warren Harriott, James L. Davis, Joseph T. Hoare and James Blackwell, and their successors, shall be and they are hereby constituted a body corporate and politic by the name of Whitestone Savings Bank, to be located in the village of Whitestone, Queens county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

Corporators.

Corporate name.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation; and all vacancies in the office of trustee shall be filled by the board by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

First trustees.

Vacancies, how filled.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer; but such majority shall be composed exclusive of any trustees receiving any salary or compensation for services as officers of said corporation.

Officers.

§ 4. No trustee shall as such, directly or indirectly, receive any pay or emolument for his services; and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of the funds of the said

Trustees not to receive pay from, nor borrow funds of corporation.

corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor for moneys loaned by, or borrowed of the said corporation.

**Quorum.**

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one, and it shall be lawful for the trustees in their by-laws to provide for a larger quorum, but less than a quorum shall have power to adjourn from time to time or until the next regular meeting.

**Meetings.**

§ 6. A regular meeting of the board of trustees shall be held once in each month to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meeting of the board, for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may in the discretion of the board be eligible to a re-election.

**By-laws,  
etc.**

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper, for the election of officers, for prescribing their respective powers and duties, and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation: provided such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State or of the United States.

**General  
business.**

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money not exceeding five thousand dollars from any one depositor that may be offered for that purpose by any person or persons, or by any religious or charitable corporations or societies, and to



invest the same and to declare, credit and pay dividends or interest thereon as hereinafter authorized, and not otherwise, and all certificates and other evidences of deposit made by the proper officer of said corporation shall be as effectual to bind the corporation as if executed under the common seal thereof.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them and the gains or profits thereof only as follows, to wit:

Moneys deposited, how invested.

1. In the stocks or bonds or interest bearing notes or certificates of the United States.

2. In the stocks or bonds or evidences of debt bearing interest of this State.

3. In the stocks or bonds of any city, county town or village of this State issued pursuant to the authority of any law of this State, but not exceeding ten per cent. of the assets of the corporation shall consist of town or village bonds.

4. In bonds and mortgages on improved, unincumbered and productive real estate, situate in this State, worth, at least twice the amount loaned thereon, but not to exceed sixty (60) per cent. of the assets of the corporation shall consist of such bonds and mortgages.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been mortgaged to it in good faith for money loaned. 3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money loaned. And all such real estate as is described in the last two preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation unless upon application by the trustees the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

What real estate may be held.

§ 10. In all cases of loans upon real estate a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations and certificates of title or appraisals of value, and of

Loans on real estate.

drawing, perfecting and recording papers, shall be paid by such borrower.

Buildings  
to be  
insured.

§ 11. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation, and it shall be lawful for said corporation to renew such policy of insurance in the same or in any other company of this State, as they may elect from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him; and all the necessary charges and expenses paid by said corporation for such renewal or renewals shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Not to  
deal in  
real estate  
or goods.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Tempo-  
rary  
loans.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them, as authorized and required by this act, to loan the same or any part thereof upon the security mentioned in section nine of this act, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

Available  
fund.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in

the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association organized under any law or laws of this State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars or ten per cent. of the whole amount of deposits with this said corporation, or such available fund, or any part thereof, may be loaned by the trustees, on call or on notice, not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

§ 15. The sum deposited with the said corporation shall be repaid to the depositors thereof or their legal representatives at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor; but shall not be altered so as to affect any deposit previously made.

Regulations as to payment of depositors.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors; and shall be repaid, together with the dividends or interest thereon, to the person making the deposit; and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposits by infants, etc.

§ 17. In all actions in any court of this State against the said corporation by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a wit-

When married women may testify.

Adverse  
claimants  
to be  
made  
parties.

ness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in such action by making such claimants parties defendant thereto, and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits, which are the subject of the said action, shall remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action, until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The questions of costs in the actions referred to in this section shall in all cases be in the discretion of the court, but the amount when allowed shall be the same as in other actions of a similar character.

Costs.

Rate of  
interest.

§ 18. It shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to depositors, in such manner that they shall receive as nearly as may be all the profits of said corporation, after deducting necessary expenses and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold to meet any contingency or loss in its business, provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation; and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

To report  
to bank  
superin-  
tendent.

§ 19. The said corporation shall every year make reports to the Superintendent of the Bank Department as required by law, and in such form as he shall prescribe,

and the books of the corporation shall at all times, during said business hours, be open to the inspection of the Superintendent of the Bank Department, or of such other person as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

§ 20. The Supreme Court may at any time on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers upon the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons and make such further order, and take such further measures for securing the funds and property of said corporation, as the said court shall deem expedient.

Supreme  
Court  
may  
appoint  
examiner.

Report  
and pro-  
ceedings  
there-  
upon.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

Misnomer.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far the same are appli-

General  
powers.

cable, and this act may be repealed or altered or amended at any time hereafter.

§ 23. This act shall take effect immediately.

## Chap. 504.

### AN ACT to incorporate the College Point Savings Bank.

Passed May 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

Corporate name.

First trustees.

Vacancies, how filled.

Officers.

Trustees not to receive

SECTION 1. Hugo Funke, John H. Ranch, Emil Greeff, Herman C. Poppenhusen, William Pauly, Thomas Daley, Adolph Poppenhusen, Herman Funke, G. Cramer, A. D. Schesinger, J. H. Rehlander, Peter Buhl and their successors, shall be and they are hereby constituted a body corporate and politic by the name of College Point Savings Bank, to be located in the village of College Point, in Queens county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the office of trustee shall be filled by the board by ballot without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient, and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or increase the salary of any officer, but such majority shall be composed exclusive of any trustees receiving any salary or compensation for services as officers of said corporation.

§ 4. No trustee shall as such, directly or indirectly, receive any pay or emolument for his services, and no

trustee, officer or servant of said corporation shall, directly or indirectly, for himself, or as the agent or partner of others, borrow any of the funds of the said corporation or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety under the direction, and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor, for moneys loaned by, or borrowed of the said corporation.

compensation from, nor borrow funds of corporation.

§ 5. A quorum of the said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees, in their by-laws, to provide for a larger quorum, but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month to receive the reports of their officers and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may, in the discretion of the board be eligible to a re-election.

Meetings.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers; for prescribing their respective powers and duties, and the manner of discharging the same; for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to, nor inconsistent with the provisions of this act, the Constitution and laws of this State, or of the United States.

By-laws, etc.

§ 8. The general business and object of the corporation hereby created shall be to receive, on deposit, any sum or sums of money that may be offered for that pur-

General business.

pose, by any person or persons, or by any religious or charitable corporations or societies, and to invest the same, and to declare, credit and pay dividends or interest thereon, as hereinafter authorized, and not otherwise, and all certificates and other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation, as if executed under the common seal thereof.

Moneys deposited, how invested.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains or profits thereof only as follows, to wit:

1. In the stocks or bonds, or interest bearing notes or certificates of the United States.

2. In the stocks or bonds, or evidences of debt bearing interest of this State.

3. In the stocks or bonds of any city, county, town or village of this State, issued pursuant to the authority of any law of this State, but not exceeding ten per cent. of the assets of the corporation, shall consist of town or village bonds.

4. In bonds and mortgages on improved, unincumbered and productive real estate situate in this State, worth at least twice the amount loaned thereon, but not to exceed sixty per cent. of the assets of the corporation shall consist of such bonds and mortgages.

What real estate may be held.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been mortgaged to it in good faith for money loaned. 3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money loaned, and all such real estate as is described in the last two preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation, unless upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

Loans on real estate.

§ 10. In all cases of loans upon real estate, a sufficient bond or other personal security shall be required of the borrower, and all the expenses of searches, examina-



tions and certificates of title or appraisals of value and of drawing, perfecting and recording papers shall be paid by such borrower.

§ 11. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation. And it shall be lawful for said corporation to renew such policy of insurance in the same or in any other company of this State as they may elect from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation for such renewal or renewals shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Buildings  
to be  
insured.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of its business.

Not to  
deal in  
real estate  
or goods.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them as authorized and required by this act, to loan the same or any part thereof, upon the security mentioned in section nine of this act, but not exceeding ninety per cent. of the cash market value of such security shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan or a part thereof, or additional security therefor, so that the amount loaned shall, at no time, exceed ninety per cent. of the market value of the securities pledged therefor.

Tempo-  
rary  
loans.

Available  
fund.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association organized under any law of this State or of the United States, or with any trust company incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars or ten per cent. of the whole amount of deposits with this said corporation; or such available fund or any part thereof may be loaned by the trustees on call or on notice not exceeding ten days, upon the securities and in the manner provided in the last preceding section of this act.

Regu-  
lations as  
to pay-  
ments to  
deposi-  
tors.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof or their legal representatives, at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

Deposits  
by infants,  
etc.

§ 16. Whenever any deposit shall be made by any person being an alien or a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female, shall be a valid and sufficient release and discharge for such deposit to the corporation.

§ 17. In all actions in any court of this State against the said corporation by a husband to recover for moneys deposited by his wife in her own name or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys deposited therewith, if there be any person or persons, whether husband or wife or otherwise, claiming the said fund who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of said action, shall remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court, but the amount when allowed shall be the same as in other actions of a similar character.

When married women may testify.

Adverse claimants to be made parties.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold to meet any contingency or loss in its business: provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a rata-

Rate of interest.

ble proportion of interest with all others of the same class.

To report  
to bank  
superin-  
tendent.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe; and the books of the said corporation shall, at all times during business hours, be open to the inspection of the Superintendent of the Bank Department or of such other person as the Superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

Supreme  
Court  
may  
appoint  
examiner.

§ 20. The Supreme Court may, at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers or clerks thereof, or any other person, may be examined on oath by such person or persons, and the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Report  
and pro-  
ceedings  
there-  
upon.

Misnomer.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes and all other general laws affecting savings institutions, so far as the same are applicable, and this act may be repealed or altered or amended at any time hereafter.

General powers.

§ 23. This act shall take effect immediately.

## Chap. 505.

AN ACT to incorporate the New York and Canada Bridge and Tunnel Company.

Passed May 4, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All persons who shall become stockholders pursuant to this act shall be and they are hereby incorporated a body corporate by the name of the New York and Canada Bridge and Tunnel Company, with power to associate with any other persons, company, association or corporation in Canada or the United States for the construction and maintaining a bridge for railroad purposes, on the right bank of the Niagara river, crossing any islands, if deemed expedient, in said river, to some point thereof in Canada, on the left bank, with one draw across each channel of the said river; which shall not materially impede the navigation thereof, or a tunnel under said river at any point said company may deem proper, including the power to make the necessary approaches thereto, and by means of one or more tracks to connect the same with other railroads, said bridge to be worked by steam or horse power; said approaches not to extend more than two miles from the east bank of the Niagara river.

Corporators and corporate name.

Object.

§ 2. The draws of said bridge shall be of ample width to give free and unobstructed passage to all steamboats, rafts and other vessels navigating said river or Lake Erie; they shall be at all times tended and moved at the expense of said company, so as not to hinder or delay the passage of any steamboats, vessels or rafts; at all times during the season of lake navigation, suit-

Draws, width of, etc.

able lights shall be maintained upon said bridge to guide all such vessels, rafts or steamboats at all times approaching or passing said draws; and shall at all times keep in readiness one or more powerful steamboats or steam tugs suitable for towing such vessels or rafts through such draws, and shall tow all such vessels or rafts through said draws whenever requested to do so by the officers, owners or agents of said vessels or rafts; such notice to be given by steam whistle, penant flag, verbally or in writing when a passage is required on their regular passage up and down the river, without charge; and said company shall be liable to pay owners of any steamboat, rafts or vessel, or the cargoes thereof all damages accruing to the owners thereof in consequence of bridging said river.

Capital  
stock.

§ 3. The capital stock of said company shall be one million of dollars, with the privilege of increasing the same to three millions, to be divided into shares of one hundred dollars each, and shall be deemed personal property.

Board of  
directors.

When  
and how  
chosen.

§ 4. The affairs of the company shall be managed by a board of nine directors, who shall be each stockholders of the said company, holding at least ten shares each, and after the first election shall be chosen annually on the first Tuesday in June of each year, at such place as the stockholders may direct; and upon such notice to the stockholders as a majority of the directors shall appoint, by a majority of the stockholders voting at such election in person or by proxy, and in such manner as may be prescribed in the by-laws of the company, and such directors shall continue to be directors until others are elected in their places; and in the election of directors, and in every other case wherein a vote shall be submitted to the stockholders and a poll demanded, each stockholder shall be entitled to one vote, personally or by proxy, on every share held by him thirty days previous to any such election or vote being taken.

By-laws,  
etc.

§ 5. The directors shall have power to make all reasonable by-laws and rules consistent with general laws for the government of the company and its officers and agents, and to fix such rates of toll for the use of the

said bridge or tunnel, and from time to time change the same as they may deem expedient, and may require from stockholders payment of all sums of money by them subscribed at such times and in such proportions as may be deemed proper, under the penalty of forfeiture of their respective shares, and all payments thereon, first giving thirty days' previous notice of such call in two or more newspapers printed in the said city of Buffalo.

§ 6. All the stockholders under this act shall be severally and individually liable to an amount equal to the amount unpaid on the stock held by them respectively, for all debts and liabilities of such company until the whole amount of the capital stock so held by said stockholders, respectively, shall have been paid, and a certificate or certificates thereof filed, on the part of each or all of said stockholders, that the respective amounts of each have been paid, in the office of the clerk of county of Erie.

Liability  
of stock-  
holders.

§ 7. The said corporation shall possess the general powers, and be subject to the restrictions and liabilities prescribed in title three of chapter eighteen of part first of the Revised Statutes, so far as the same are applicable thereto.

General  
powers.

§ 8. The said corporation is hereby empowered to purchase, receive and hold such real estate on either side of the Niagara river, as may be necessary and convenient in accomplishing the object to which this charter is granted, and may, by their surveyors and engineers, enter upon such sites and locations, and take possession of the same; all such sites and locations as shall be entered upon as aforesaid, shall, except donations, be purchased of the owner or owners at a price to be mutually agreed upon. In cases of the disagreement of the prices to be paid for any such land within the boundaries of the State of New York, then the said corporation shall possess all the powers and privileges contained in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-eighth sections of the act

May take  
and hold  
necessary  
real  
estate.

Title, how  
acquired  
in case of  
disagree-  
ment with  
owners.

entitled "An act to authorize the formation of railroad corporations, and regulate the same," passed April second, eighteen hundred and fifty, and as the same have been and stand amended, and subject to the duties, liabilities and provisions in the said sections contained.

Other  
powers,  
etc.

§ 9. The said corporation shall possess the general powers and be subject to the restrictions and liabilities prescribed in the act entitled "An act authorizing the consolidation of certain railroad companies," passed May twenty, eighteen hundred and sixty-nine, so far as the same are applicable thereto, for the purposes of consolidating the same with any corporation chartered for a like purpose by the Parliament of Canada; and shall further have the power to lease the said bridge or tunnel, the approaches and connections thereto, and appurtenances to any railroad corporation chartered by the Legislature of this State, or of any other State, or by the Parliament of Canada, for such time and on such terms as may be agreed upon.

Corpora-  
tion may  
borrow  
money  
and mort-  
gage its  
property.

§ 10. The said corporation, or the new corporation, in the case of consolidation with any other corporation or corporations, shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the said bridge or tunnel, and for acquiring the necessary real estate for the site thereof, and the approaches thereto, and to mortgage its corporate property and franchises to secure the payment of any debt which shall be contracted by such corporation for the purposes aforesaid; and it shall be lawful for any railroad corporation chartered by the Legislature of this State, or by any other State, or by the Parliament of Canada, to loan its credit to the corporation hereby created, or may subscribe to or acquire and become the owner of the stock thereof in like manner and with like rights as individuals; and the said railroad corporation or corporations having entered into such lease, and agreed for the loan of its or their credit for that object, by direct guarantee or traffic, contract, or otherwise, the said corporation hereby chartered, or the new corporation, in the case of consolidation, may issue bonds which shall bear the credit or guarantee of the said railroad corporation or corporations, to an



amount not exceeding two millions of dollars, and shall have the same charge and effect upon the undertaking and property, and the same extent as is secured by this section by way of mortgage.

§ 11. The said railroad corporation or corporations being lessees, shall have the right to charge such fair compensation for the use of the bridge or tunnel, and the appurtenances and approaches thereto, by the railroad corporations, or by any company using horse-power, whose business shall pass over the same, as shall be found by experience requisite to enable them to pay, first, all the expense of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent. upon their capital stock, and such additional sum as will furnish a sinking fund in each year not to exceed five per cent. of the amount of its bonded debt, for the purpose of gradually extinguishing the same, and the deficiencies of toll to supply such compensation in any one year may be charged and collected in any subsequent year.

Compensation for use of bridge.

§ 12. If the tolls collected shall not in any year have paid the amount which the railroad corporation shall have guaranteed, and the said railroad corporation shall have had to pay the deficiency of rental, such deficiency shall be a debt due by the corporation by this act chartered, or by the new corporation in case of consolidation, to the said railroad corporations, to be discharged thereafter with interest, or the said railroad corporations and this corporation, or the new corporation as aforesaid, may agree for the discharge of the said debt by the creation and issue of capital stock at such rates and prices as may be agreed on.

Deficiency in tolls collected by lessees to be paid by corporation.

§ 13. The said company shall have power to erect coffer dams and such other works in the Niagara river as may be necessary for the construction of such bridge, provided the navigation of said river shall not be obstructed by such work; and it shall be the duty of said company to put up and maintain, in the night time, during the season of lake navigation, a good and sufficient light at each end of any coffer dam which may be erected by said company; said light to be placed at

Corporation may build coffer dams in Niagara river.

least five feet above said dam; and also such buoys during both day and night, as may be necessary for the guide of persons navigating said river.

Penalty  
for willful  
injuries.

§ 14. If any person shall willfully or maliciously do, or cause to be done, any act or acts whatever whereby said bridge, their lights, stations, works, machinery, fixtures or other appurtenances thereto shall be obstructed, impaired, weakened, destroyed or injured, or do any of said acts to the injury of said tunnel, the person so offending shall forfeit to said corporation treble damages sustained by means of such offense or injury, to be recovered in the name of the corporation, with costs of suit, by action of debt, and shall be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any court having cognizance of the offense.

When  
franchise  
to cease.

§ 15. If said bridge or tunnel be not commenced within two years, and completed within five years, said corporation shall from thenceforth cease.

Commissioners to  
receive  
subscriptions to  
capital  
stock.

§ 16. John A. McDougal, William McMaster, Donald McLunes, Joseph Price, William Ker Muir, H. B. Ransom, Edward Evans, Emanuel Hensler, Gibson T. Williams, George W. Tift, James Brayley, James Adams and Henry F. Cady shall be commissioners, a majority of whom shall, when this act shall have passed and become a law, and as soon thereafter as they may deem expedient, appoint some suitable place in the city of Buffalo to open the books and receive subscriptions to the capital stock of said corporation, of which ten days' public notice shall be given in at least one newspaper in the city of Buffalo; and said commissioners may adjourn from time to time as they may deem proper and open the books for further subscription until the sum of two hundred thousand dollars shall have been subscribed in the capital stock, and if more than the whole stock shall have been subscribed, the same shall be distributed pro rata among the subscribers.

Notice  
to be  
published.

Amount  
to be paid  
at time of  
subscribing.

§ 17. The sum of twenty dollars upon each share of stock so subscribed shall be paid to the commissioners attending at the time of making such subscription, which shall be held for the purposes of the corporation only, and shall be paid to the directors for such purposes, upon their election, as hereinafter provided, except in

respect of such subscriptions as the said commissioners shall have excluded, in which case the said sums so paid, in respect of such excluded subscription shall be returned by the commissioners to the person or persons who shall have paid the same.

§ 18. As soon as the sum of two hundred thousand dollars on the capital stock shall have been duly subscribed, and have obtained the approbation of the commissioners, they, or a majority of them, shall give ten days' notice in two public newspapers published in the city of Buffalo of a meeting of the stockholders to choose directors; and the said commissioners, or such of them as shall attend, shall preside at the first election, and such election shall be made at the time and place appointed by the commissioners in their notices, by such of the stockholders as shall be present in person or by proxy, and the said commissioners so presiding shall, under their hands, certify the names of the directors so elected, and shall appoint the time and place of the first meeting of the board of directors, and at such first meeting, and so soon as a majority of the said directors shall be present, the commissioners shall deliver over the subscription money, books and papers to the directors; whereupon the duties of the said commissioners shall cease, and they stand discharged of their duties under this act.

Meeting  
to choose  
directors,  
where and  
upon  
what  
notice to  
be held.

§ 19. The directors shall at their first meeting after such election, and after every annual election of directors under this act, appoint from their number a president and vice-president; a majority of the whole shall at all times form a quorum of the board for the transaction of business, which quorum may be made by proxies: provided that never less than three directors shall be actually present in proper person.

Officers.

§ 20. This act shall take effect immediately.

## Chap. 506.

AN ACT to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Acts of  
railroad  
commis-  
sioners  
ratified.

SECTION 1. The acts of A. R. Gregor, Chauncy Smith and Jonas Moyer; commissioners appointed by the county judge of St. Lawrence county, in making and executing the bonds of the town of Hammond, in said county, to the amount of sixty thousand dollars, with interest, and in subscribing, in the name of said town, to the capital stock of the Black River and Morristown Railroad Company, to an amount equal to the amount of bonds so created, and in paying for the same by exchanging the said bonds with said company therefor, are hereby legalized, ratified and confirmed, and the stock so subscribed for shall stand as valid for the benefit of said town, and the said bonds and the interest coupons issued therewith are hereby declared to be legal debts, obligations, charges and demands against the said town of Hammond. The said A. R. Gregor, Chauncy Smith and Jonas Moyer are hereby vested with all the powers, and charged with all the duties, prescribed by chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, and the amendments thereto with respect to commissioners appointed under said chapter. All moneys necessary to pay said bonds and the interest thereon, or any part of the principal sum or interest, shall be levied and collected by tax upon the real and personal property of said town in the same manner as other debts, obligations and charges against said town; and all the provisions applicable to bonds duly issued under and in pursuance of chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, and the amendments thereto, shall be also applicable to the bonds which have been issued by the said A. R.

Bonds  
made  
debt of  
town.

Commis-  
sioners  
vested  
with  
duties,  
etc., pre-  
scribed in  
act of  
1869.

Tax to  
pay prin-  
cipal and  
interest,  
how  
levied  
and col-  
lected.

Gregor, Chauncey Smith and Jonas Moyer, for and in behalf of the said town of Hammond.

§ 2. This act shall take effect immediately.

## Chap. 507.

AN Act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. David S. S. Sammis, Selah C. Smith, Edward M. Sammis, Hugh J. Hastings, John R. Reid, Ebenezer P. Wheeler and Charles D. Bailey, their associates, and all other persons who may hereafter be holders of the stock hereinafter mentioned, are hereby constituted a body corporate by the name of the Fire Island Hotel Company, with power in and by their corporate name, to purchase, lease, hold, mortgage and convey, such leaseholds, or real or personal property, as they may require for the construction, equipment and carrying on of a public hotel on Fire Island, town of Islip, county of Suffolk, and building docks and such other improvements on said island and the main shore, in the town of Islip, as may be needed for the convenience of persons visiting said island.

Corporators.

Corporate name.

§ 2. The capital stock of said corporation shall not be less than fifty thousand dollars, with power to increase the same, whenever a majority of the trustees shall determine, to an amount not exceeding two hundred thousand dollars, to be divided into shares of not less than fifty dollars each, which shares shall be transferable in such manner as the by-laws of said corporation shall direct. The said corporation may commence business, and shall be deemed fully organized whenever twenty-five thousand dollars shall have been fully subscribed, and ten per cent. thereon paid in.

Capital stock.

When corporation to commence business.

§ 3. All the business affairs of said corporation shall be conducted under the direction of not less than two

By whom business managed.

nor more than three trustees, all of whom shall be stockholders, and a majority of whom shall be citizens of this State, and who shall be elected by the stockholders annually, on the first Monday of August in each year, by ballot. The first trustees shall be David S. S. Sammis, Ebenezer P. Wheeler and Edward M. Sammis, who shall continue in office until others shall be chosen in their places. The trustees aforesaid, or the survivors of them, and those who may from time to time be duly elected, shall, by a majority vote, as soon as may be after their election, appoint from among their number a president, vice-president and treasurer, and the same may be re-appointed and removed at pleasure; and said trustees shall have power to fill vacancies in their board occasioned by death, resignation, removal from the State, or otherwise, and to make all such by-laws not inconsistent with the laws of this State, or of the United States, as they may deem proper for the management of the affairs of such corporation, the holding of elections, the transfer of stocks, and calling in of subscriptions thereto; and they shall have power to alter or amend the said by-laws from time to time. A majority of said trustees, for the time being, shall constitute a quorum for the transaction of business.

§ 4. The said corporation is hereby authorized, from time to time, to borrow such sums of money as may be necessary for the purpose of purchasing said lands or building, or for the purpose of constructing a suitable building, or of discharging any indebtedness incurred by such corporation in completing such purchase; or for the purpose of reconstructing, altering, repairing, furnishing or remodeling the edifice standing on the premises aforesaid, or any part thereof, and for any of the other purposes for which it is hereby improved; and for any of said purposes, from time to time, for any amount so borrowed, mortgage such land, buildings and other corporation property, or any part or parts thereof, to secure the payment of such loans or any of them.

§ 5. Said company is also authorized and empowered to establish, maintain and operate a ferry across Fire Island or great South bay, and receive compensation for the conveyance of freight and passengers between the

First  
trustees.

Officers.

Vacancies,  
how  
filled.

Quorum.

Corporation  
may  
borrow  
money  
and mortgage  
its  
property  
to secure  
the payment.

May maintain  
a  
ferry  
across  
great  
South  
Bay.

village of Babylon, in the town of Huntington, on said bay, and any point or points on Fire Island beach; and for that purpose, said company may purchase, build or lease, and use such steam-boats as may be necessary in the operations of said ferry; and may also construct and maintain such piers, wharfs and docks, or other structures upon the waters of said bay, as may be required for the convenient operation of said ferry; and the said company may construct and maintain such piers, wharfs, and docks, as far as may be necessary, for the convenient landing of freight and passengers from said ferry-boats.

§ 6. For the purpose of the successful and convenient operation of said ferry, said company may, from time to time, dredge the land under water across said bay, to such depth as shall be sufficient to remove all obstructions to the safe and easy navigation of said bay by its boats and vessels, and the use of so much of the lands under the waters of said bay is hereby granted to said company as may be necessary for the proper construction of said piers, wharfs and docks, and for a suitable anchorage adjacent thereto for the steamboats or other vessels used in the operation of said ferry; and said company shall, at all times, have the exclusive right to use said anchorage, and the piers, wharfs, docks and other structures aforesaid; provided, the said company shall lease or purchase the lands of the proprietary owners.

May dredge land under water, etc.

§ 7. Said company may also lease the whole or any part of its said ferry to such parties and on such terms and conditions, and for such period of time as its directors shall determine; or said company may enter into such contract with any other corporation as may be necessary to enable said company to operate said ferry or any part thereof. If said ferry shall be leased as above authorized, the lessee or lessees thereof shall operate the same, subject to all the restrictions or obligations imposed upon said company by this or any existing statute.

May lease its ferry..

§ 8. Each stockholder in said corporation shall be personally liable for the debts of the said corporation to an amount equal to the amount of stock held by said stockholder, whenever judgment shall be obtained against

Liability of stockholders.

said corporation, and execution on the same shall be returned satisfied.

§ 9. This act shall take effect immediately.

## Chap. 508.

AN ACT to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**Preamble.**

Whereas, in October, eighteen hundred and seventy-one, it was publicly charged that enormous frauds had been perpetrated upon the treasury of the city and county of New York; and whereas, by the advice of the Governor the Attorney-General associated with himself Charles O'Connor to aid in the prosecution of all necessary suits and proceedings in connection with said alleged frauds; and whereas, under the direction of the Attorney-General and of said Charles O'Connor, certain liabilities and expenses have been incurred in said prosecutions and proceedings which should be paid by the city and county of New York; and whereas, said suits and proceedings are yet undetermined, now, therefore

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Expenses incurred by attorney-general and Charles O'Connor to be audited and paid by comptroller.

SECTION 1. All liabilities and expenses for counsel fees and otherwise which have been or may be incurred by the Attorney-General and Charles O'Connor or under their direction, including the counsel fees and disbursements of the said Charles O'Connor shall be adjusted, audited and paid by the comptroller of the city of New York, on production of accounts therefor, duly certified by the said Attorney-General and the said Charles O'Connor.

Tax to meet payments.

§ 2. To meet the payments authorized by the first section of this act, the board of supervisors of the county



of New York is hereby authorized and required to raise by tax, upon the estates, real and personal, in the city and county of New York, subject to taxation in the year eighteen hundred and seventy-two, fifty thousand dollars.

§ 3. This act shall take effect immediately.

## Chap. 509.

**AN ACT** to re-appropriate moneys for construction of new work upon, and extraordinary repairs of, the canals of this State, and for payment of awards made by the Canal Appraisers.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The unexpended balance of two millions one hundred and eighty thousand six hundred and forty-six dollars, appropriated by the act entitled "An act to authorize a tax of one mill per dollar of valuation of the year eighteen hundred and seventy, for construction of new work upon, and extraordinary repairs of, the canals of this State," passed May ninth, eighteen hundred and seventy, being the sum of eight hundred and fifty thousand nine hundred and forty-three dollars and ninety-one cents, or so much thereof as shall remain unexpended on the ninth day of May, eighteen hundred and seventy-two, is hereby re-appropriated to the same objects, except as otherwise provided by section one of act chapter seven hundred and seventy-eight of the Laws of eighteen hundred and seventy-one; and the unexpended balance of one million eleven thousand one hundred and thirty-eight dollars and forty-two cents, appropriated by the act entitled "An act to authorize a tax of seven-eighths of a mill per dollar of valuation for the payment of the awards of the Canal Appraisers, and for supplying deficiencies in appropriations of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine," passed May ninth, eighteen hundred and seventy, being the sum of four hundred and sixty-five

Re-appropriation.

Act of 1870.

Amount.

To what objects.

Amount.

Act of 1870.

thousand one hundred and seventy-three dollars and forty-six cents, except the sum of forty-four thousand re-appropriated from said funds by senate bill number four hundred and seven, and entitled "An act to re-appropriate certain money for the enlargement of the Champlain canal, and to also re-appropriate the sum of forty-four thousand dollars, a portion of the unexpended balance appropriated by chapter seven hundred and sixty-eight, of the Laws of eighteen hundred and seventy, to pay awards by Canal Appraisers and the canal board for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, or so much thereof as shall remain unexpended on the ninth day of May, eighteen hundred and seventy-two, is hereby re-appropriated to the same object.

§ 2. This act shall take effect immediately.

## Chap. 510.

AN ACT authorizing the board of supervisors of the county of Westchester to investigate the acts and proceedings of certain boards of commissioners for making or extending highways.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of supervisors to investigate acts, etc., of board of commissioners, etc.

SECTION 1. The board of supervisors of the county of Westchester are hereby authorized and empowered, upon the application in writing of any tax-payer, and whenever in their judgment the public interest will be thereby promoted, to investigate and examine, in such manner as they shall direct, the acts and proceedings of any and all board or boards of commissioners heretofore created or appointed by any act for the purpose of making, constructing, widening, extending or improving any road or highway within said county.

Rules for conducting investigations, etc.

§ 2. The said board of supervisors shall have power to establish rules and regulations for the purpose of conducting any investigation directed or entered upon under this act; to compel the attendance of persons,

and the production of papers, books, accounts and vouchers; and to examine all witnesses on oath; and to issue subpoenas, to be signed by the clerk of said board, for compelling the attendance of witnesses to testify in all cases arising under this act; and each person subpoenaed as a witness shall be entitled to the like compensation, and be subject to the like penalties and punishments for disobedience or false swearing as in a civil suit at law in a court of record.

§ 3. Any person who has heretofore acted as a commissioner under any act for the making, constructing, widening, extending or improving any road or highway in said county of Westchester, who shall fail to attend at such time and places as shall be appointed by the said board of supervisors, or under the direction of said board, for any examination or investigation under this act, after personal notice in writing served upon him, not less than two days before the time at which his attendance is required, shall be liable to a penalty of one hundred dollars, to be recovered by and in the name of said board of supervisors, and to a like penalty for every such failure to attend.

Penalty  
for failing  
to attend  
examination.

§ 4. This act shall take effect immediately.

## Chap. 511.

AN ACT to repeal an act entitled "An act to provide for a police court-house in the ninth judicial district in the city of New York," passed April twenty-seventh, eighteen hundred and seventy; also to repeal an act entitled "An act to provide for the completion of the court-house for the ninth judicial district of the city of New York," passed February seventeenth, eighteen hundred and seventy-one.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That an act entitled "An act to provide for a police court-house in the ninth judicial district in

Chapter  
410, laws  
of 1870.

and chapter 44, laws of 1871, repealed.

the city of New York," passed April twenty-seventh, eighteen hundred and seventy; and the act entitled "An act to provide for the completion of the courthouse for the ninth judicial district of the city of New York," passed February seventeenth, eighteen hundred and seventy-one, are hereby repealed.

§ 2. This act shall take effect immediately.

## Chap. 512.

AN ACT to provide for the improvement of part One Hundred and Fifty-fifth street, in the city of New York.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Part of 155th street to be improved.

Expenses to be assessed on property to be benefited.

SECTION 1. It shall be lawful for the board of commissioners of the department of public parks, and they are hereby authorized and empowered to cause the portion of One Hundred and Fifty-fifth street, in the city of New York, between the westerly line of the Eighth avenue, and the easterly line of the Boulevard near the Ninth avenue, to be built up, filled, regulated and improved in such manner and to such extent as in their opinion shall be best suited to afford easy, safe and proper passage for persons, animals and vehicles through and over such portion of One Hundred and Fifty-fifth street, and to certify the expense of so doing, and cause the same to be assessed on the property benefited thereby, in similar manner, as they, the said board of commissioners, are authorized to do in the case of other improvements made or ordered to be made under and by their direction, in all that portion of the city of New York lying to the northward of the southerly line of said One Hundred and Fifty-fifth street, under and by virtue of chapter five hundred and sixty-five of the Laws of eighteen hundred and sixty-five, except that the expense of so building up, filling, regulating or improving the portion of One Hundred and Fifty-fifth street aforesaid, shall be assessed on, and be borne and paid by, the

property and the owners thereof, which shall be deemed particularly benefited by so doing, to the extent which the assessors appointed to assess the expense thereof shall deem such benefit to extend; and it shall be lawful for said assessors to estimate any and all damage which in their opinion may accrue to any lands or tenements fronting on or adjacent to said portion of One Hundred and Fifty-fifth street, between the Eighth avenue and the Boulevard aforesaid, by reason of the building up, filling, regulating or improving of said portions of One Hundred and Fifty-fifth street; and to award the same to the owners of the land or tenements aforesaid, and to include and assess the amount of such damages, with the expenses of building up, filling, regulating or improving aforesaid, on the property which they, the said assessors, shall deem benefited thereby, as aforesaid. And on the confirmation of the assessment hereinbefore provided for, it shall be the duty of the mayor, aldermen and commonalty of the city of New York, to pay or cause to be paid to the owners of the lands or tenements or their legal representatives, the amount of such damages so awarded to the owners such of lands or tenements respectively.

Damages to property owners to be estimated and awards made.

§ 2. This act shall take effect immediately.

## Chap. 513.

**AN ACT** to provide for the erection of houses of detention or lock-ups in the several towns in the State.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The electors of each town in this State shall have power, at their annual town meeting, to direct the erection of one or more houses of detention or lock-ups for the detention of persons committed by the magistrates thereof, and to direct such sums to be raised in such town by tax for the expense of building or of maintaining the same, as they may deem necessary.

Electors may direct erection of lock-ups.

Lock-ups,  
for what  
purpose to  
be used.

§ 2. Said houses of detention or lock-ups may be used for the purpose of keeping and confining all persons temporarily arrested by any constable or officer in said towns or committed by any magistrate of said towns, and may be used for keeping and confining any and all persons arrested or committed for any crime in said towns the same as in any county jail, except that no person shall be confined therein after final commitment to serve out any sentence of the court after he shall be found guilty of any offense.

§ 3. This act shall take effect immediately.

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## Chap. 514.

AN ACT to define section five of chapter five hundred and eighty-three of Laws of eighteen hundred and seventy-one, relating to the entry of judgments.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Fifth  
section of  
chapter  
583, laws  
of 1871,  
how to be  
construed.

SECTION 1. The fifth section of chapter five hundred and eighty-three of the Laws of eighteen hundred and seventy-one, entitled "An act to make provision for the local government of the city and county of New York," shall not be held or construed in any manner to refer to or affect the entry of judgments in any action tried and determined before the passage of said last mentioned act.

§ 2. This act shall take effect immediately.

## Chap. 515.

AN ACT to amend and in addition to an act entitled "An act to incorporate the New England Society, in the city of New York," passed April fifteen, one thousand eight hundred and thirty-three.

Passed May 4, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first section of the act entitled "An act to incorporate the New England Society in the city of New York," passed April fifteen, one thousand eight hundred and thirty-three, is hereby amended so as to read as follows:

§ 1. All such persons as are now members of the charitable and literary association in the city of New York, called The New England Society in the city and State of New York, and all persons who shall hereafter become members of said association, by being elected such members according to the constitution and by-laws thereof, shall be and hereby are constituted a body politic and corporate, in fact and in name, by the name of the New England Society in the city of New York, for the purpose of affording pecuniary relief to poor persons of New England origin, establishing and maintaining a library, and for other charitable and literary purposes.

Corporators.

Corporate name.

§ 2. The second section of the said act is hereby amended so as to read as follows:

§ 2. The estates and concerns of said corporation shall be governed and directed by a board of officers, members of said corporation, consisting of a president, two vice-presidents, secretary, treasurer and sixteen directors, who shall be chosen by the society at such time and place and for such term of office as shall be provided for by the constitution and by-laws of said association.

Officers to manage affairs.

§ 3. The third section of said act is hereby amended so as to read as follows:

May take  
and hold  
real  
estate.

§ 3. Said corporation may purchase and take and hold by purchase, gift, grant or devise, real and personal estate, to such an amount as it shall deem necessary or expedient for the purposes of its organization, not exceeding five hundred thousand dollars, with power to sell, mortgage or lease the same or any part thereof. And said corporation may, from time to time, invest and loan its funds on mortgage or other real or personal security.

§ 4. The fourth section of said act is hereby amended so as to read as follows:

By-laws,  
etc.

§ 4. The said corporation shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission, suspension and expulsion of its members and their government, the election of its officers, and to determine their terms of office and define their duties, and for the safe keeping and management of its property and funds, and for such other purposes as are deemed requisite and not inconsistent with this act, or the Constitution or laws of this State; and, from time to time, alter, amend or repeal such constitution, by-laws and regulations.

§ 5. This act shall take effect immediately.

## Chap. 516.

AN ACT extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the county of Erie.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

General  
railroad  
bonding  
acts ex-  
tended to  
Erie  
county.

SECTION 1. The provisions of chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, entitled "An act to amend an act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," as amended by subsequent laws,



and chapter five hundred and seven of the Laws of eighteen hundred and seventy, entitled "An act to define the powers of commissioners appointed under chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, bonding municipalities to aid in the construction of railroads," and of the laws amendatory thereof, are hereby extended and made applicable to the county of Erie.

§ 2. This act shall take effect immediately.

## Chap. 517.

AN ACT in relation to the unadjusted claims of the soldiers in the war of eighteen hundred and twelve.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Adjutant-General is hereby authorized and required to hear and determine the claim of any soldier of the war of eighteen hundred and twelve, and upon proof that would have entitled him to a certificate under the act, chapter five hundred and ninety-seven of the Laws of eighteen hundred and fifty-seven, shall issue to said soldier a certificate such as provided for in said act for the amount due, which certificate shall have the same force and effect as if issued under said law, but no obligation to pay the same is hereby created against the people of this State.

Adjutant-general to hear and adjust claims.

## Chap. 518.

AN ACT in relation to the mounted batteries of artillery of the National Guard.

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In lieu of the annual allowance to mounted batteries of artillery of the National Guard prescribed

Amount to be paid mounted

batteries  
annually.

in section one hundred and seventy-eight of chapter eighty of the Laws of eighteen hundred and seventy, known as the Military Code, there shall, for the current year, and each year hereafter, be paid to each mounted battery the sum of one thousand dollars, for the purpose of aiding such batteries in defraying the expenses of the drills and parades required by law; which sums, and also those paid in like manner by the State, in lieu of furnishing uniforms, as provided in section one hundred and thirteen of chapter eighty of Laws of eighteen hundred and seventy, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military funds of such mounted batteries.

How paid.

§ 2. The Comptroller shall annually draw his warrant upon the Treasurer in favor of the county treasurer of each county in which said mounted battery or batteries of artillery are organized, for each mounted battery the said sum of one thousand dollars, in the same manner and form as prescribed by section one hundred and seventy-eight of chapter eighty, Laws of eighteen hundred and seventy; provided, always, that each mounted battery, claiming the said appropriation, shall furnish satisfactory evidence to the Adjutant-General that such mounted battery has made the number of drills and parades required by law, fully mounted and equipped, and the certificate of the Adjutant-General to that effect shall be necessary to be given to the Comptroller before he shall draw his warrant, as above prescribed.

§ 3. This act shall take effect immediately.

## Chap. 519.

AN ACT to repeal chapter two hundred and forty-five of the Laws of eighteen hundred and seventy-one, entitled "An act relating to military exemptions."

Passed May 4, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows.*

SECTION 1. Chapter two hundred and forty-five of the Laws of eighteen hundred and seventy-one, entitled "An act relating to military exemptions," is hereby repealed.

Chapter  
245, laws  
of 1871  
repealed.

§ 2. This act shall take effect immediately.

## Chap. 520.

AN ACT to amend an act entitled an act to incorporate the village of Lima, Livingston county, passed April twenty-fifth, eighteen hundred and sixty-seven.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Title three of the act entitled an act to incorporate the village of Lima, Livingston county, shall be so amended as to read as follows:

§ 1. The president shall be the executive officer of the village and ex-officio, a trustee, and member of the board of trustees, and also a member of the board of excise, to be selected pursuant to the provisions of an act entitled "An act regulating the sale of intoxicating liquors," passed April eleventh, eighteen hundred and seventy. He shall have power to call special meetings of the trustees when he shall think proper, or when requested to do so by any two of the trustees and to preside at all meetings of the trustees; to give the casting vote, and it shall be his duty to sign, as such presi-

Powers  
and  
duties of  
the presi-  
dent of  
the vil-  
lage of  
Lima.

dent, all by-laws, rules, regulations, ordinances, orders, licenses, bonds, appointments, deeds, covenants and contracts made by the trustees in behalf of the said corporation; to see that all by-laws, rules, orders, regulations and ordinances lawfully made by the trustees are carried into effect and duly executed; to collect all fines, penalties and forfeitures, incurred under this act, or by any by-law, rule, order, regulation or decision made in pursuance thereof; to commence and prosecute all such suits, in the name of the corporation as shall be ordered or directed by the trustees; to pay all moneys which shall come into his hands for the use of said corporation to the treasurer thereof; to sign and direct the payment of all accounts and demands against the said corporation that have been audited and allowed, and all other legal drafts and demands upon the treasurer of said village; and to do all such other acts and things as usually pertain or belong to the duties of such presiding officer, or which the said trustees may legally require him to do.

§ 2. Title four of said act shall be amended by adding thereto another section which shall read as follows:

§ 8. In addition to the foregoing powers, the board of trustees shall have power, on two weeks' notice, to be published once a week in the village paper, or by posting notices in three of the most public places in the village of Lima, to call a meeting of the electors of said village to vote by ballot upon the question whether water-works shall be constructed for said village, or water brought into said village; also, whether a fire department shall be organized, and what amount shall be expended for such purposes or either of them; and in case at such meeting said electors shall authorize the raising of any particular sum or sums of money for the purpose or purposes aforesaid, to levy and collect the same as other taxes are collected, and to expend the same for the purposes for which it may have been raised, and to make and pass all suitable ordinances to maintain, preserve and regulate the using of any works that may be constructed under the authority of this section. Also to establish water rates and to provide suitable means for the collection of the same.

Trustees  
may call  
special  
election  
to deter-  
mine  
whether  
water-  
works  
shall be  
construct-  
ed and fire  
depart-  
ment  
organized.

When  
trustees  
may levy  
tax.

§ 3. Section seven, title four of said act shall be so amended as to read as follows:

§ 7. Any justice of the peace of the town of Lima residing within the limits of said village shall have jurisdiction in all cases of disorderly conduct within the meaning of this act, and upon the complaint of any person upon oath, shall have power to issue subpoenas, and investigate with reference to the matter charged in such complaint, and to issue warrants for the arrest of persons charged in such complaint with disorderly conduct within the meaning of this act; and shall have power in cases of persons brought before them charged with being disorderly persons within the meaning of this act, to proceed summarily and without a jury to try such persons, and hear and determine the charges alleged against them, and in case any person shall be found guilty of any such acts or offenses as constitutes him a disorderly person within the meaning of this act, such justice of the peace shall impose upon him a fine not exceeding twenty-five dollars, and shall require such fine with costs and fees to be paid to him within twenty-four hours, and during that time the defendant shall remain in the custody of the constable, and if the penalty and costs and fees be not paid within that time, may order the defendant to be confined in the county jail or such other place as the board of trustees shall, by resolution, provide, for a time not exceeding thirty days, unless the penalty and costs and fees be sooner paid, or such justice of the peace instead of imposing such fine may commit such defendant to the county jail or other place of confinement provided by the board of trustees as aforesaid. for a time not exceeding thirty days; all fines and penalties collected as hereinbefore provided shall be paid over to the treasurer of said village by the justice receiving the same within five days after the collection thereof.

Jurisdiction of justices of the peace.

Fine.

§ 4. Section eleven, title five of the said act shall be so amended as to read as follows:

§ 11. The said board of trustees shall have power, and upon the petition of a majority of the resident owners of property to be assessed therefor, it shall be their duty to cause the sidewalks on any street or highway,

Proceedings to build sidewalks and to grade and level streets.

Time within which owners may perform work ordered.

In case of remonstrance by two-thirds of owners, work not to be done.

or any portion of any street or highway, to be leveled, raised, graveled, constructed, repaired or ornamented with trees, determine and describe the manner of doing the same, the materials to be used and their quality, and shall assess the expense of such improvements upon each lot or parcel of land fronting upon or adjoining such sidewalks, and collect the same in the same manner as other taxes are directed to be collected by this act; provided, however, that in all such cases a reasonable time, and not less than thirty days, to be determined by the trustees, shall be given to the owners of the real estate liable to be assessed as provided in this section, to perform the work so required to be done in front of their respective lots, under the direction of the street commissioner of said village; and the owners so performing such work within the time prescribed shall be exempt from such assessment. And provided, further, that if, within thirty days after any sidewalk or improvement, as provided in this section shall have been ordered by the board of trustees, two-thirds of the property owners residing on the street on which said improvement or sidewalk has been ordered shall, in writing, remonstrate against such sidewalk or improvement, the said board of trustees shall not have power to proceed therewith, but may adopt new and different specifications with reference to the sidewalk or improvement ordered, and shall have power to proceed to carry them out, providing a like remonstrance is not made within thirty days after due notice of their adoption has been given. After the presentation of such remonstrance, the board of trustees shall not have power to order any sidewalk or improvement upon the same plan and specifications as that against which the remonstrance was made for the period of six months, and such order, whenever made, may be stayed by remonstrance as above provided.

§ 5. This act shall take effect immediately.

## Chap. 521.

**AN ACT** to amend an act entitled "An act to authorize the construction of a railroad through Twenty-third street, in the city of New York, passed May tenth, eighteen hundred and sixty-nine," so as to authorize the comptroller of the city of New York to carry into effect the powers conferred by the first section of the above act upon the commissioners of the sinking fund of the city of New York, in relation to the advertising and sale of the franchise for building such railroad to the highest bidder on paying the amount of such bid or giving security for such payment satisfactory to said comptroller, to issue the certificate of title to such grant mentioned in said first section of said act to Sidney A. Yeomans or to his assigns, and granting all the rights, privileges, powers and benefits conferred and prescribed in the second, third and fourth sections of said act to Sidney A. Yeomans and his assigns, and requiring him or his assigns to finish, complete and equip said road within eight months from the time of receiving such certificate.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The comptroller of the city of New York is hereby authorized and directed, on the payment into the city treasury, by Sidney A. Yeomans, of the sum of one hundred and fifty thousand dollars, that being the amount of his bid which was accepted, and tendered to the commissioners of the sinking fund, on the tenth day June, A. D., eighteen hundred and sixty-nine, or upon the giving of such security for the payment thereof as shall be satisfactory to said comptroller, to issue to said Sidney A. Yeomans, or to whoever the said Sidney A. Yeomans

Comptroller to issue certificate to S. A. Yeomans on payment of \$150,000 or giving security therefor

mans shall assign the same, the certificate required to be issued by the said commissioner of the sinking fund in and by the provisions of the act of the Legislature of the State of New York, entitled "An act to authorize the construction of a railroad through Twenty-third street, in the city of New York," passed May tenth, eighteen hundred and sixty-nine, that he or they and their successors and assigns are entitled to the grant of the rights, privileges and franchises mentioned, described and conferred in and by said act.

Privileges  
and fran-  
chises  
granted  
to vest on  
receiving  
certificate.

§ 2. The said Sidney A. Yeomans and his assigns, upon receiving such certificate, shall thereby be invested with all the rights, privileges, benefits and franchises that might or could be given, granted or conferred upon him and them by the commissioners of the sinking fund, under any and all the provisions of said act or by said act.

What  
rights and  
powers  
conferred.

§ 3. All the rights, privileges, powers and benefits, granted, conferred and prescribed in and by section second, third and fourth of said act, shall inure to the benefit of said Sidney A. Yeomans and his assigns in the same manner, and be of the same effect as if the said commissioners of the sinking fund had received and accepted the tender of said amount and issued the certificate required by said act, provided only, that said Sidney A. Yeomans and his assigns should be required to finish, complete and equip said road, within eight months from the time of receiving said certificate.

When  
road to  
be com-  
pleted.

§ 4. Should said Sidney A. Yeomans or his assigns be restrained or prevented by any legal proceedings from constructing and completing the said road, the time during which they are so restrained shall not be deemed or taken to be a part of the time within which the same is to be completed.

§ 5. This act shall take effect immediately.



## Chap. 522.

AN ACT to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April twenty-eighth, eighteen hundred and seventy.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act to incorporate the Wyoming Benevolent Institute, passed April twenty-eighth, eighteen hundred and seventy, is hereby revived, and Orasmus H. Marshall is substituted in place of John B. Skinner, deceased, as one of the five corporators in the first section of the said act named.

Act of incorporation revived.

§ 2. This act shall take effect immediately.

## Chap. 523.

AN ACT to incorporate Addison Spring Water Company.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Calvin Cowley, A. R. Cowley, M. A. Cowley and James Baldwin, and all such persons as are or may be hereafter associated with them, are hereby constituted a body corporate by the name of the Addison Spring Water Company.

Corporators.

Corporate name.

§ 2. The capital stock of said company shall be two thousand and five hundred dollars, and shall be divided into shares of twenty-five dollars each, but may at any time be increased by a vote of the stockholders called for that purpose, provided such capital stock shall not be increased so as to exceed the sum of twelve thousand and five hundred dollars.

Capital stock.

§ 3. The concerns of said company shall be managed by three directors, who shall be stockholders, and who

Affairs, by whom managed.

Election,  
when to  
be held.

Notice of.

First  
directors.

Corpor-  
ation  
may  
acquire  
real  
estate,  
etc.

May  
construct  
water-  
works.

shall hold their office for one year, and until others are chosen in their place. The election of directors shall be held on the first Tuesday in May, immediately following the organization of the company, and annually thereafter; notice of such election, and of the time and place where the same is to be held, shall be published at least one week immediately preceding such election, in a newspaper published in the village of Addison; each stockholder shall be entitled to one vote for each whole share that shall have been paid to the company, on the stock held by him or her at the time of such election. The election shall be by ballot, and votes may be given in person or by proxy.

§ 4. The three persons first named in the first section of this act shall be and remain directors until others are elected.

§ 5. For the purpose of supplying the village of Addison with spring water from and through land owned by the persons named in the first section of this act, and to furnish good water for the use of the householders and inhabitants in said village, the said company may by purchase, grant or devise, take and hold any water rights and privileges and real estate, and easements, requisite for carrying out the purposes before mentioned, agreeably to the terms and conditions in the conveyances, from the proprietors to said company, and may in pursuance thereof lay and construct any pipes, conduits, aqueducts, reservoirs, or other works, or machinery, necessary or proper for such purpose, doing no unnecessary damage, and leaving the premises entered upon as nearly as may be, in the same condition as they were before such entry; and the said company having obtained the consent and authority of the trustees of said village, may also lay, construct, alter, repair and replace any pipes, conduits, aqueducts and hydrants necessary for supplying water to the inhabitants of said village, in and through all the public streets, roads and highways now open and hereafter to be opened in the said village, causing as little obstruction and inconvenience, and leaving the same in as good condition, as nearly as may be, as before the entry and excavations for the purposes aforesaid.

§ 6. With the consent of the commissioners of highways of the town of Addison, the said company may lay and construct their pipes and conduits along the public highway outside of said village, the same in no case to obstruct the public travel.

May lay pipes, etc., along highway.

§ 7. Any person who shall willfully or maliciously destroy or injure any of the works of said company, or who shall willfully or maliciously commit any act which shall injuriously affect any conduit, pipe, reservoir, spring-house, or other thing belonging to or appertaining to the conducting of water by the said company, shall be guilty of misdemeanor, and may be punished by fine not exceeding fifty dollars, or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to said company treble the damage sustained thereby, to be recovered in the name of the treasurer of said company in any court having cognizance, with costs.

Willful injuries, how punished.

§ 8. The directors shall, annually, appoint a secretary and treasurer, and such other officers and agents as they shall from time to time deem necessary, and may remove all officers appointed by them and appoint others in their places, and fill all vacancies in the offices; and they may make and ordain by-laws and regulations as they shall deem necessary and proper for the management of their business, and for accomplishing the purposes of the corporation, and may make any agreements, contracts, grants and leases for the sale, use and distribution of water that may be agreed upon between said company and any person or persons, associations or corporations, which agreements, contracts and leases, shall be valid and effectual in law.

Officers.

By-laws, etc.

§ 9. This act shall take effect immediately.

## Chap. 524.

AN ACT to protect purchasers on sales of real estate of infants, by special guardian, prior to January first, eighteen hundred and fifty-two.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Sales of infants' real estate, made prior to June 1, 1852, ratified and confirmed.

SECTION 1. All sales of real estate belonging to infant owners, made by special guardians under the orders of the Supreme Court, county court or late court of chancery, prior to January first, eighteen hundred and fifty-two, and the Conveyances therefor executed by said special guardian, are hereby ratified and confirmed, notwithstanding the omission by any such special guardian, to affix to his or her signature, his or her title as special guardian, or to sign the name of the infant or infants whose real estate was thus conveyed to such deed of conveyance; provided, that the person who executed such conveyance was the duly appointed special guardian of such infant or infants, and such conveyance was in other respects executed in conformity to the order of the court in which the proceedings for such sale were had.

Not to affect existing suits and proceedings.

§ 2. This act shall not affect the right of any party to any suit or legal proceeding, commenced before the passage thereof, in consequence of the irregularity of any proceeding, or the invalidity of any deed which by the foregoing section is legalized and made valid.

§ 3. This act shall take effect immediately.

## Chap. 525.

AN ACT to amend an act passed April ninth, eighteen hundred and sixty-seven, entitled "An act to amend and consolidate the several acts relating to the village of Hornellsville."

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subdivision thirteen of section twelve of the act entitled "An act to amend and consolidate the several acts relating to the village of Hornellsville," is hereby amended so as to read as follows:

§ 13. The trustees of the village of Hornellsville are hereby authorized and empowered to contract for and maintain gas-lights in such of the streets and parks of said village as they may deem proper for the benefit of the people.

Trustees  
author-  
ized to  
maintain  
gas-lights  
in streets,  
etc.

§ 2. This act shall take effect immediately.

## Chap. 526.

AN ACT to provide for the repair, improvement, construction and protection of bridges on the Cattaraugus Indian Reservation, in the counties of Erie and Cattaraugus.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of four thousand five hundred dollars, or so much thereof as shall be necessary, is hereby appropriated for the purpose of extending, repairing and building a bridge across Clear creek on the Cattaraugus Indian Reservation, in the town of Collins, county of Erie, and for the purpose of repairing and improving the bridge and piers across the Cattaraugus creek on said reservation, at or near Versailles, and for repairing, improving or rebuilding, as may be necessary, the bridge across Cook creek, near the Indian

Appropriation to build bridges, etc., on the Cattaraugus Indian reservation.

saw-mill on said reservation, in the town of Perrysburgh, and for the purpose of protecting said bridges from floods and decay.

Commissioners of construction.

§ 2. William H. Stuart, Deforest N. Parker and David F. Moody shall be the commissioners to superintend and direct the construction, repair and improvement of said bridges, and to properly protect the same, with full power to contract for materials and work for the erection and improvement of such bridge or bridges, and said commissioners are hereby authorized and empowered by themselves, their agents or contractors, to enter upon the public domain of said reservation, and take therefrom such timber and stone as may be necessary for the erection, repair or improvement of said bridges or the protection thereof.

Vacancies, how filled.

§ 3. In case of the death or refusal to serve of said commissioners, or either of them, the Comptroller shall appoint some proper person or persons in the place of him or them so dying or refusing to serve.

Official bonds.

§ 4. Said commissioners, before they enter upon the discharge of their duties, shall each execute a separate bond to the people of this State, in the sum of two thousand dollars, with two or more sureties, to be approved by the Comptroller, conditioned for the faithful performance of their duties under this act.

Commissioners to account to the comptroller.

§ 5. The said commissioners shall account to the Comptroller, from time to time as he shall require, for all moneys received or expended by them under this act, and within sixty days after the completion of said work, shall make final report to the Comptroller, containing a detailed description of the said work and a full account of their expenditures. The said commissioners shall be entitled to receive three dollars each for every day they shall respectively devote to the performance of their duties.

Compensation.

Money, how paid.

§ 6. The Treasurer shall pay, on the warrant of the Comptroller, the sum hereinbefore appropriated, or so much thereof as shall be required, to the said commissioners on their vouchers, in such sums and at such times as the Comptroller shall prescribe for the purposes before named.

§ 7. This act shall take effect immediately.

## Chap. 527.

**AN ACT** to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Frederick T. Carrington, Luther Wright, John G. Kellogg, John K. Past, Stephen H. Lathrop, Bartholomew Lynch, Gilbert E. Parsons, Robert Gordon, Lewis A. Cole, Alfred B. Getty, Philo Bundy, L. W. Ledyard, Rufus Hawkins, Thaddeus S. Brigham, Tompkins Robinson, Alfred Farnham and Thomas G. Thompson, their successors, assigns, and those who may be now or hereafter associated with them, are hereby created and constituted a body politic and corporate, under and by the name of "The City and Town of Oswego Railroad Company," and under and by said name shall have perpetual succession, and may sue and be sued in all the courts of this State.

Corporators.

Corporate name.

§ 2. It shall be lawful, and the said corporation hereby created is hereby authorized and empowered to lay a railroad track, with the necessary turnouts, branches and switches, and to use and to operate the same in the streets and highways; commencing at the east line of West Second street, on West Bridge street, in the city of Oswego, and running thence westerly along West Bridge street to the intersection of said West Bridge street and West Seneca street; and thence westerly along West Seneca street to the west line of said city; and thence along the public highway in the town of Oswego, known as the Oswego and Hannibal plankroad, to the four corners in Union village; and thence southerly along the highway to the rural cemetery, located on the farm of Morris P. Pierce; but the consent of the common council of the city of Oswego, and of the commissioners of highways of the town of Oswego, shall be

Corporation authorized to build railway in certain streets and roads.

Consent of common council and highway com-

mission-  
ers to be  
obtained.

Rails, how  
aid, etc.

obtained before said corporation shall lay said track, or use or operate said railroad in said streets and highways.

§ 3. The track of said railroad shall be laid of such rails as shall not obstruct the free passage of vehicles and carriages over the same, and the same shall be laid flush with the surface of all streets or roads that said track shall intersect, and shall conform to the grade as it now is or as it shall be from time to time established or altered; and the said corporation shall keep the surface of said streets and roads, inside of the rails and for one foot outside thereof, in good and proper order and repair.

Cars, how  
propelled.

§ 4. The cars to be used on said railroad shall be drawn by horses or mules, and dummy engines may be used on said railroad by first obtaining the consent of a majority of the property owners along the line thereof.

Rate of  
fare.

§ 5. No greater amount than five cents per mile shall be charged for passengers riding over said railroad one mile or more, and five cents may be charged each passenger riding over said road any distance under a mile, and such fare may be collected by said corporation from each passenger so riding over said railroad.

When to  
be com-  
pleted.

§ 6. Said railroad shall be completed from its commencement in the city of Oswego to Union village, within three years, and from said Union village to said rural cemetery within ten years.

Capital  
stock, etc.

§ 7. The said corporation shall not lease or sell said railroad without the consent of the stockholders representing a majority of the shares issued by said corporation, and said shares shall be fifty dollars each, and the whole capital stock of said corporation shall not exceed fifty thousand dollars.

First  
directors.

§ 8. The persons hereinbefore named, comprising this corporation, shall be and hereby are constituted the first board of directors, and shall hold their offices until the first annual election for directors. The said directors shall be commissioners, whose duties it shall be to open books to receive subscriptions to the capital stock of said company, and to receive such subscriptions and issue stock in accordance with the rules which they may adopt.

Commis-  
sioners to  
receive  
subscrip-  
tions to  
stock.



§ 9. The said company shall possess all the powers and privileges conferred upon railroad companies by the general railroad act passed April second, eighteen hundred and fifty, and the further organization and regulation of said railroad company shall be subject to all the provisions of said general railroad act not inconsistent herewith, excepting the following sections, or any amendments thereof, namely: sections one, two, three, four, twenty-seven, thirty-four, thirty-seven, thirty-eight, thirty-nine, forty and forty-four. The said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs in such manner and form as required by law.

General powers.

Annual report.

§ 10. So much of section one of chapter six hundred and thirty-six of the Laws of eighteen hundred and sixty-nine, passed May six, eighteen hundred and sixty-nine, as authorizes the persons in said section named, to lay a railroad track with the necessary turnouts and switches, and to operate the same in or on West Bridge street in the city of Oswego, from the east line of West Second street to, at or near the intersection of West Bridge street and Seneca street, is hereby repealed.

Part of section 1, chapter 636, laws of 1869, repealed.

§ 11. This act shall take effect immediately.

## Chap. 528.

AN ACT to amend an act entitled "An act to incorporate the Sisterhood of Grey Nuns in the State of New York," passed April sixth, A. D. eighteen hundred and seventy-one.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to incorporate the Sisterhood of Grey Nuns in the State of New York," passed April sixth, eighteen hundred and seventy-one, being chapter three hundred and twenty-four of the laws of that year, is hereby amended by striking out the last sentence of the same, and inserting instead thereof the following: "In case of the sale of

In case of  
sale of  
property,  
proceeds,  
how  
applied.

any or all of such property, the proceeds thereof shall be applied by said corporation, the Sisterhood of Grey Nuns, to the purposes of this act, or be invested in other real estate for the use of said corporation."

§ 2. This act shall take effect immediately.

## Chap. 529.

AN ACT for the relief of the German United Evangelical St. John's Church of the city of Buffalo.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Certificate  
of incor-  
poration  
ratified  
and con-  
firmed.

SECTION 1. The certificate of incorporation of the religious society called the German United Evangelical St. John's Church, whose place of worship is on Amherst street, in the city of Buffalo, filed in the office of the clerk of Erie county, and recorded in liber two of miscellaneous records, page three hundred and twenty, on the fifteenth day of June, eighteen hundred and fifty-five, is hereby declared to have the same force and effect as if the said certificate contained all that, by the provisions of the Revised Statutes relating to the incorporation of religious societies, such a certificate is required to contain; and the certificate of incorporation, filed and recorded in the office of the clerk of the county of Erie, on the sixteenth day of April, eighteen hundred and fifty-three, incorporating said society as the First Evangelical Lutheran Congregation, at the village of Black Rock, had not been made or filed, or the action recited in said last mentioned certificate had not been taken by said society. And the said society is hereby

Corporate  
name.

declared to be a corporation, whose corporate name is the German United Evangelical St. John's Church, duly organized and existing the same as if said corporation had been duly and legally created, and said society had been incorporated, pursuant to law, a religious corporation, under said certificate, filed and recorded on the fifteenth day of June, eighteen hundred and fifty-five, with all the rights and powers belonging to religious

corporations under the provisions of law relating to the incorporation of religious societies. And the title to all property, real or personal, which shall have been heretofore conveyed, granted or transferred to said society, either in the name of the First Evangelical Lutheran Congregation, or of the German United Evangelical St. John's Church, or to any persons for the use and benefit of, or in trust for, either of them and now held for the use and benefit of said society is hereby confirmed in the said the German United Evangelical St. John's Church, and all acts and proceedings taken and done by said society since the filing of either of said certificates, are hereby declared to be as valid as if the said society had been legally incorporated under the said certificate first filed, and had acted thereunder in all things; but this act shall not affect any suit or proceeding now pending against said society, nor any rights which any person may have against said society, but the same may be enforced or protected by an action brought against said society in the name in which it is hereby declared to exist as a corporation.

Title to  
property  
confirmed.

Not to  
affect  
existing  
suits and  
proceed-  
ings.

§ 2. This act shall take effect immediately.

## Chap. 530.

**AN ACT** increasing the powers and duties of courts of special sessions, except in the city and county of New York, and the city of Albany.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The second section of the act entitled "An act defining the powers and duties of courts of special sessions except in the city and county of New York and the city of Albany and courts of sessions, and regulating appeals in criminal cases," passed April seventeenth, eighteen hundred and fifty-seven, is hereby amended by adding to said section, at the end thereof, as follows: Charges for offenses against the provisions

Jurisdic-  
tion of  
court of  
special  
sessions.

of chapter three hundred and seventy-five of the Laws of eighteen hundred and sixty-seven, entitled "An act for the more effectual prevention of cruelty to animals," also for offenses against the provisions of chapter six hundred and eighty-two of the Laws of eighteen hundred and sixty-six, entitled an act better to prevent cruelty to animals."

§ 2. This act shall take effect immediately.

## Chap. 531.

AN ACT to amend the charter of the Young Men's Christian Association of the city of New York.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Charter of  
Young  
Men's  
Christian  
Associa-  
tion  
amended.

SECTION 1. Chapter three hundred and eighteen of the Laws of eighteen hundred and forty, entitled "An act authorizing certain trusts," passed May fourteenth, eighteen hundred and forty, and chapter two hundred and ~~sixty-one of the Laws of eighteen hundred and~~ forty-one, entitled "An act in addition to the 'Act authorizing certain trusts,' passed May fourteenth, eighteen hundred and forty," passed May twenty-sixth, eighteen hundred and forty-one, are hereby extended to and made a part of the act entitled "An act to incorporate the Young Men's Christian Association of the city of New York," passed April third, eighteen hundred and sixty-six.

§ 2. This act shall take effect immediately.

## Chap. 532.

**AN ACT** to amend an act entitled "An act requiring the district attorney of the county of Erie to give a bond to pay over all moneys received by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county," passed April thirteenth, eighteen hundred and fifty-seven.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** An act entitled "An act requiring the district attorney of the county of Erie to give a bond to pay over all moneys received by him as such district attorney, and to provide for the appointment of an assistant district attorney for that county," passed April thirteenth, eighteen hundred and fifty-seven, is hereby amended by adding to section four of said act the following words: "The said district attorney may also appoint a clerk, to hold his office during the pleasure of said district attorney; and whenever said office shall become vacant by the death, resignation or removal of said clerk, the said district attorney may appoint another in his place. The said clerk shall receive for his services a salary which shall be fixed by the board of supervisors of said county at their first meeting after the passage of this act, which salary shall not be less than five hundred; and not more than eight hundred dollars a year.

District  
attorney  
of Erie  
county  
may  
appoint a  
clerk.

Salary of  
clerk.

§ 2. This act shall take effect immediately.

## Chap. 533.

AN ACT granting the consent of the State of New York to the purchase by the United States, of certain lands for the purpose of the erection of a public building at Utica, and ceding jurisdiction over the same.

Passed May 6, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

U. S. may purchase land in Utica for site for post-office and court-house.

SECTION 1. The consent of the State of New York is hereby given to the purchase, by the United States, of one or more pieces of land situated in the city of Utica, not exceeding one acre in quantity, on which to erect a building for use as a post-office and court-house, and the said United States shall have, hold, use, occupy and own, the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restriction hereinafter mentioned.

Jurisdiction ceded to U. S.

§ 2. The jurisdiction of the State of New York in and over the said land or lands mentioned in the foregoing section, when purchased by the United States shall be and the same hereby is ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

State to retain jurisdiction for service of process.

§ 3. The said consent is given and the said jurisdiction ceded, upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes or misdemeanor committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

When jurisdiction to

§ 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the

said land or lands by purchase or grant, and so long as the said land or lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

vest in  
U. S.

§ 5. Any malicious, willful, reckless or voluntary injury to, or mutilations of the grounds, buildings or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added for an aggravated offense, imprisonment, not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

Willful  
injuries,  
etc., how  
punished.

§ 6. This act shall take effect immediately.

## Chap. 534.

### AN ACT for the relief of certain religious societies in the county of Kings.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The recording of every certificate provided for in an act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the several acts amendatory thereof, in the office of the clerk of the county of Kings, prior to the passage of this act, shall be regarded and construed, and such recording is hereby declared to be of the same validity, force and effect as would have been the recording of such certificate in the office of the register of the county of Kings, and every act, deed, matter and thing done and performed by every such religious society since the recording of such certificate in the office of the clerk of the county of Kings is hereby ratified, confirmed and declared to be valid in all respects, as if the said certificate had been recorded in the office of the register of the county of Kings, but this act shall not prejudice or invalidate any

Certificates of incorporation heretofore recorded in county clerk's office to have the same effect as though recorded in register's office.

suit or proceeding already commenced and now pending, arising out of such original mistake.

Orders of  
court con-  
firmed.

§ 2. All orders made by any court authorizing the mortgage or sale of real estate by any of such religious societies, so far as the validity thereof depends upon the record of such certificate, are hereby ratified and in all respects confirmed.

§ 3. This act shall take effect immediately.

## Chap. 535.

AN ACT to amend chapter five hundred and thirty-nine of the Laws of eighteen hundred and seventy, entitled "An act in relation to jurors in the city and county of New York," passed May second, eighteen hundred and seventy.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The second subdivision of section sixth of chapter five hundred and thirty-nine of the Laws of eighteen hundred and seventy, entitled "An act in relation to jurors in the city and county of New York," is hereby amended so as to read as follows:

Persons  
exempt  
from jury  
duty in  
New York  
city.

2. Ministers of the gospel, professors and teachers in colleges, academies or public schools, practicing physicians and surgeon dentists having patients requiring their daily professional attention, and attorneys and counsellors of the Supreme Court of this State, in actual practice at the bar thereof, provided that any such person is not engaged in any other business.

§ 2. This act shall take effect immediately.



## Chap. 536.

AN ACT for the lighting of the streets in the town of New Lots, in the county of Kings, with gas.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The supervisor and commissioners of highways of the town of New Lots, in the county of Kings, are authorized to contract with any gas company having, or which may have, power to supply the gas required for lighting any street or streets in said town with gas, upon such terms as they may deem expedient, and for that purpose they may cause the necessary posts, lamps and fixtures to be procured and prepared for use; and may also employ a competent person or persons to attend to the necessary work in carrying out the above provisions.

Super-  
visor and  
commis-  
sioners of  
highways  
may con-  
tract for  
gas and  
erect  
lamp-  
posts, etc.

§ 2. All expenses incurred for the objects aforesaid shall be assessed on the property liable to taxation which front on the streets lighted with gas under the provisions of this act, so far as the lamps thereon may extend, and shall be raised with the other taxes to be raised in said town, and a statement of the amount required for that purpose shall be annually delivered by said supervisor and commissioners to the supervisors of the county of Kings.

Expenses,  
upon  
what  
property  
assessed.

§ 3. No property which does not front on streets or roads lighted with gas shall be liable to or chargeable with any portion of the said expense.

Property  
exempt  
from tax-  
ation.

§ 4. This act shall take effect immediately.

## Chap. 537.

AN ACT to provide for furnishing two statues of eminent deceased citizens of this State to be placed in the capitol at Washington, in compliance with the invitation of the President of the United States.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Governor,  
Secretary  
of State  
and Eras-  
tus D.  
Palmer to  
contract  
for statue  
of George  
Clinton to  
be placed  
in the  
capitol at  
Washing-  
ton.

SECTION 1. The Governor, the Secretary of State, and Erastus D. Palmer of Albany, are hereby appointed commissioners for the purpose of making a contract, in behalf of the State, for furnishing and delivering a marble statue of George Clinton, the first Governor of the State; the same to be one of two statues, which, when completed, are to be handed over, on the part of this State, to the President of the United States, to be placed in the capitol at Washington. The subject of the other of said statues to be designated, and the statue provided for, by the next Legislature.

§ 2. This act shall take effect immediately.

## Chap. 538.

AN ACT to define the jail limits of the county of Jefferson.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Jail limits  
of Jeff-  
erson  
county.

SECTION 1. The jail limits of the county of Jefferson shall hereafter be the territory now comprised within the boundaries of the city of Watertown.

§ 2. This act shall take effect immediately.

## Chap. 539.

AN ACT to amend "An act to incorporate the village of Mount Morris," passed May second, eighteen hundred and thirty-five, and the several acts subsequent amending the same.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act to incorporate the village of Mount Morris, passed May second, eighteen hundred and thirty-five, and the several acts amendatory thereof, are hereby amended by adding thereto the following sections:

§ 55. Whenever the electors of the village of Mount Morris, entitled to vote to raise taxes in said village, shall decide at any annual or special meeting to construct water-works and reservoirs to supply water for the use of said village, in the place of subscribing to the capital stock of any water-works company organized for the purpose of supplying said village with water, as said village may be authorized to do, it shall be lawful for the trustees of said village, and they are hereby authorized to borrow, on the faith and credit of said village, such a sum of money as shall be necessary for that purpose, not exceeding the sum of fifteen thousand dollars, and for that purpose said trustees are hereby empowered to issue the bonds of said village, to be made and executed by their president and the treasurer of the said village, under the corporate seal thereof, said bonds to become due and payable at such times as the board of trustees may determine, bearing interest at the rate of seven per cent. semi-annually, with coupons attached for the payment of such interest as the same matures; but in case said village shall in the manner prescribed by law, decide to subscribe to the capital stock of any water-works company organized for the purpose of introducing water into said village, then the said trustees shall not be authorized to borrow said

When electors decide to construct water-works, etc., trustees to borrow money necessary for that purpose and issue bonds therefor.

Amount limited.

In case the village subscribes to stock of water-works company

money not  
to be bor-  
rowed.

Tax to  
pay prin-  
cipal and  
interest of  
bonds.

Certain  
sections of  
law made  
applicable  
to village.

moneys for the construction of water-works as herein-  
before provided. No bonds issued under this section  
shall be sold at less than their par value.

§ 56. Said trustees, for the purpose of paying any  
indebtedness in and by this act authorized and for the  
purpose of redeeming and paying any bonds issued by  
them in pursuance hereof, or the interest thereon, may  
and shall from time to time raise by tax on the taxable  
property of said village, and levy and collect the  
amount necessary therefor in the manner now provided  
by law for the levy and collection of taxes in said vil-  
lage, and the money when collected shall be paid into  
the treasury of said village and may be drawn there-  
from in the manner now provided by law for drawing  
money from said treasury, and appropriated to the pay-  
ment of said bonds and the interest thereon.

§ 57. The provisions contained in sections eight, nine,  
ten, eleven, twelve and thirteen, of an act of the Legis-  
lature of the State of New York, passed March twenty-  
sixth, eighteen hundred and sixty-seven, entitled "An  
act to incorporate the Mount Morris Water-works Com-  
pany," are hereby in all things made applicable to the  
village of Mount Morris, and said village may avail  
itself of the provisions of said sections, in case said vil-  
lage shall in the manner aforesaid decide to construct  
water-works for said village.

§ 2. This act shall take effect immediately.

## Chap. 540.

AN ACT to amend "An act authorizing the trust-  
tees of the village of Mount Morris to subscribe  
to the capital stock of the Mount Morris Water-  
works Company," passed May third, eighteen  
hundred and sixty-nine.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. Section one of "An act authorizing the  
trustees of the village of Mount Morris to subscribe to

the capital stock of the Mount Morris Water-works Company," passed May third, eighteen hundred and sixty-nine, is hereby amended so as to read as follows :

§ 1. In addition to the powers now vested in the trustees of the village of Mount Morris, they shall have the power and authority, when authorized by the taxable inhabitants of said village as hereinafter provided, to subscribe, in the name and for the corporation of said village, to the capital stock of the Mount Morris Water-works Company, or of any other water-works company that may be hereafter organized for the purpose of constructing water-works and reservoirs to supply said village with water, to an amount not exceeding ten thousand dollars, and such subscription, when so authorized, shall be made by the president of the board of trustees of said village.

When trustees may subscribe to capital stock of water-works company.

§ 2. Section five of "An act authorizing the trustees of the village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company," passed May third, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 5. Any and all stock subscribed for in pursuance hereof shall be the property of the corporation known as "the trustees of the village of Mount Morris," and shall be represented by the trustees of said village in all meetings for the election of officers and transaction of business of the said water-works company wherein stock is represented. Said trustees, or one of their number designated by them, shall cast the votes which the stock so subscribed is entitled to in the election of officers, or transaction of other business by said water-works company, and any and all dividends upon said stock shall be drawn by the treasurer of said village, who is hereby empowered to give a sufficient voucher therefor, and shall be deposited in the treasury of said village, and may be drawn from said treasury and used for any purpose in said village for which taxes are authorized by law to be levied and collected.

Stock subscribed for to be property of corporation.

Trustees to vote on stock.

§ 2. This act shall take effect immediately.

## Chap. 541.

### AN ACT making appropriations for the support of government.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Appropriation for fiscal year.

SECTION 1. The several amounts named in this act are hereby appropriated and authorized to be paid, from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October in the year eighteen hundred and seventy-two, namely:

#### FROM THE GENERAL FUND—EXECUTIVE DEPARTMENT.

Governor. For the Governor, for salary, four thousand dollars.  
Private Secretary. For the Private Secretary of the Governor, for salary, two thousand five hundred dollars.

Clerks, etc. For the clerks and messengers in the Executive Department, for compensation, seven thousand seven hundred dollars.

Governor's house. For expenses of the house occupied by the Governor, five thousand dollars.

Printing, incidentals, etc. For the Executive Department, for furniture, blank and other books necessary for the use of the department, binding, blanks, printing, stationery, telegraphing, and other incidental expenses, two thousand five hundred dollars.

Fugitives from justice. For the Executive Department for the apprehension of criminals, pursuant to part one, chapter nine, title one, section fifteen of the Revised Statutes, one thousand dollars; for the apprehension of fugitives from justice, pursuant to part four, chapter two, title seven, section forty-five of the Revised Statutes, one thousand dollars.

#### JUDICIARY—COURT OF APPEALS.

Judges of the Court of Appeals.

For judges of the Court of Appeals, for salaries and expenses, pursuant to chapter two hundred and three of the Laws of eighteen hundred and seventy, and chapter seven hundred and eighteen of the Laws of eighteen

hundred and seventy-one, sixty-three thousand five hundred dollars.

For the Commissioners of Appeals, for salaries, pursuant to chapter two hundred and three of the Laws of eighteen hundred and seventy, thirty-five thousand dollars. Commissioners of Appeals.

For State Reporter, for salary, pursuant to chapter six hundred and ninety-eight of the Laws of eighteen hundred and sixty-nine, and chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one, five thousand dollars, which shall be his annual salary from and after February fourteenth, eighteen hundred and seventy-two, and for clerical help to the State Reporter, two thousand dollars. State Reporter.

For the Clerk of the Court of Appeals, for salary, pursuant to chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one, five thousand dollars. Clerk of Court of Appeals.

For the Deputy Clerk of the Court of Appeals, for salary, pursuant to chapter two hundred and eighty-one of the Laws of eighteen hundred and seventy, three thousand dollars. Deputy Clerk.

For the messenger to the Clerk of the Court of Appeals and the State Engineer and Surveyor (the same messenger) for his annual salary, from October first, eighteen hundred and seventy-two, six hundred dollars. Messenger.

For clerks in the office of the Clerk of the Court of Appeals, for salaries, pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine, forty-five hundred dollars. Clerks.

For furniture, books, binding, printing calendar, and other necessary expenses of the office of the Clerk of the Court of Appeals, pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine, twenty-five hundred dollars. Furniture, etc.

For compensation of criers and attendants for the Court of Appeals and Commission of Appeals, pursuant to chapter ninety-five of the Laws of eighteen hundred and sixty-four, and chapter two hundred and three of the Laws of eighteen hundred and seventy, and chapter Crier and attendants.

two hundred and thirty-eight of the Laws of eighteen hundred and seventy-one, five thousand dollars.

Clerk of  
Commission  
of Appeals.

For Clerk of the Commission of Appeals, for salary, pursuant to chapter two hundred and three of the Laws of eighteen hundred and seventy, thirty-five hundred dollars.

Clerks,  
etc.

For compensation of the clerk and messenger and office expenses in the office of the Clerk of the Commission of Appeals, twenty-one hundred dollars.

#### SUPREME COURT.

Justices  
Supreme  
Court.

For justices of the Supreme Court, for salaries and expenses, pursuant to chapter four hundred and eight of the Laws of eighteen hundred and seventy, two hundred and thirty-seven thousand six hundred dollars.

Expenses  
of Justices  
of Su-  
preme  
Court.

The said justices of the Supreme Court, except in the first judicial district, shall each receive the sum of twelve hundred dollars, annually, from the first day of January, eighteen hundred and seventy-two, in lieu of and in full of all expenses now allowed by law. This subdivision shall not increase the pay of any judge except the justices of the Supreme Court.

Steno-  
graphers.

For compensation of stenographers, pursuant to chapter seven hundred and sixty-five of the Laws of eighteen hundred and sixty-eight, five thousand dollars.

Expenses  
of Com-  
mission-  
ers of  
Appeals.

For the expenses of the Commissioners of Appeals, pursuant to chapter four hundred and eight of the Laws of eighteen hundred and seventy, seven thousand six hundred dollars.

Expenses  
of general  
terms.

For the expenses of the general terms of the Supreme Court, pursuant to chapter four hundred and eight of the Laws of eighteen hundred and seventy, ten thousand dollars.

Attorney-  
General.

For the Attorney-General, for salary, two thousand dollars.

Deputy  
Attorney-  
General.

For the Deputy Attorney-General, for salary, three thousand five hundred dollars.

Clerk and  
messen-  
ger.

For clerk and messenger in the office of the Attorney-General, for salaries, two thousand dollars.

Furniture,  
etc.

For furniture, books, binding, blanks, printing, and other necessary expenses of the office of the Attorney-General, five hundred dollars.



For costs of suits, fees of sheriffs, compensation of witnesses, and for expenses and disbursements by the Attorney-General, pursuant to part three, chapter ten, title three, section fifty-one of the Revised Statutes, two thousand dollars.

Costs,  
witnesses'  
fees, etc.

For sheriffs' fees for the removal of convicts, five hundred dollars.

Sheriffs'  
fees.

For compensation of counsel employed to assist the Attorney-General, pursuant to chapter three hundred and fifty-seven of the Laws of eighteen hundred and forty-eight, three thousand dollars.

Counsel.

For services and expenses of medical commissioners, appointed pursuant to chapter six hundred and sixty-six, of Laws of eighteen hundred and seventy-one, by the Governor or counts of oyer and terminer, to inquire into the mental condition of persons under indictment or conviction for offenses, the punishment of which is death, three thousand dollars; the amount to be paid in each case to be certified by the Governor.

Medical  
commis-  
sioners.

For compensation and expenses of the Attorney-General, pursuant to part one, chapter eight, title five, section six of the Revised Statutes, and to counsel designated by him to represent him, two thousand dollars, or so much thereof as may be proper, the amount to be certified by the Governor, and the appropriation made for this purpose by act, chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one, is hereby made applicable to the payment of counsel designated by the Attorney-General to represent him in such duties. All costs adjudged to the people of this State, in actions prosecuted or defended by the Attorney-General, may be applied by him in his discretion to any of the purposes for which appropriations are hereinbefore made in relation to his office, and this shall apply to the costs aforesaid received during the present fiscal year, and the Attorney-General shall, at the close of such fiscal year, render to the Comptroller an account of such costs received, with vouchers of such expenditures.

Compensation,  
etc., of  
Attorney-General  
and  
counsel.

Costs  
adjudged  
to the  
people,  
how  
applied.

## OFFICE OF THE SECRETARY OF STATE.

Secretary  
of State.

For the Secretary of State, for salary, two thousand five hundred dollars.

Deputy  
Secretary  
of State.

For the Deputy Secretary of State and clerk of the Commissioners of the Land Office, for salary, and for indexing and making marginal notes of the Session Laws, thirty-five hundred dollars, and no other or further compensation shall hereafter be allowed in the supply bill or by the Commissioners of the Land Office to such officer.

Clerks.

For clerks in the office of the Secretary of State, for salaries, sixteen thousand five hundred dollars.

Messen-  
ger.

For messenger in the office of Secretary of State, for salary, one thousand dollars.

Trans-  
lator abol-  
ished.

The office of translator in the office of Secretary of State is hereby abolished, to take effect on the first day of October, eighteen hundred and seventy-two.

Furniture,  
etc.

For furniture, blank and other books, binding, blanks, printing, and other necessary expenses of the Secretary of State's office, two thousand dollars.

## COMPTROLLER'S OFFICE.

Comp-  
troller.

For the Comptroller, for salary, two thousand five hundred dollars.

Deputy  
Comptroller.  
Second  
Deputy  
Comptroller.  
Clerks.

For the Deputy Comptroller, for salary, two thousand dollars.

For the Second Deputy Comptroller, for salary, three thousand dollars.

For clerks in the office of the Comptroller, for salaries, twenty-four thousand dollars.

Messen-  
ger.

For messenger in the office of the Comptroller, for salary, five hundred dollars.

Furniture,  
etc.

For furniture, books, binding, blanks, printing, and other necessary expenses of the office of the Comptroller, pursuant to chapter two hundred and eighty of the Laws of eighteen hundred and sixty-four, one thousand five hundred dollars.

## TREASURER'S OFFICE.

Treasurer.

For the Treasurer, for salary, one thousand five hundred dollars, and for compensation for countersigning transfers and assignments of securities, made in the

banking department, to be refunded to the treasury, pursuant to chapter one hundred and three of the Laws of eighteen hundred and fifty-seven, one thousand dollars.

For the Deputy Treasurer, for salary, three thousand dollars. Deputy Treasurer.

For clerks in the office of the Treasurer, for salaries, pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine, six thousand dollars. Clerks.

For furniture, books, binding, printing, extra clerk hire, and other necessary expenses of the office of the Treasurer, pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine, fifteen hundred dollars. Furniture, etc.

#### DEPARTMENT OF PUBLIC INSTRUCTION.

For the Superintendent of Public Instruction, for salary, five thousand dollars. Superintendent.

For the Deputy Superintendent of Public Instruction, for salary, three thousand dollars. Deputy Superintendent.

For the clerks in the office of the Superintendent of Public Instruction, for salaries, pursuant to chapter six hundred and forty-five of the Laws of eighteen hundred and sixty-nine, eight thousand six hundred and seventy-five dollars. Clerks.

For furniture, books, binding, blanks, printing and other necessary expenses in the office of the Superintendent of Public Instruction, pursuant to chapter two hundred and eighty of the Laws of eighteen hundred and sixty-four, two thousand dollars. Furniture, etc.

#### STATE ENGINEER'S AND SURVEYOR'S OFFICE.

For the Deputy State Engineer and Surveyor, for salary, two thousand dollars. Deputy State Engineer.

For compensation of clerks to assist in the preparation of railroad reports, twenty-two hundred dollars, and for the expenses of printing and binding said reports, five thousand dollars (to be refunded by the several railroad companies), pursuant to chapter five hundred and twenty-six of the Laws of eighteen hundred and fifty-five. Clerks, to prepare railroad reports.

Clerks.

For clerks in the office of the State Engineer and Surveyor, for salaries, pursuant to chapter two hundred and eighty of the Laws of eighteen hundred and sixty-four, thirty-five hundred dollars.

Furniture,  
etc.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the State Engineer and Surveyor, pursuant to chapter two hundred and eighty of the Laws of eighteen hundred and sixty-four, five hundred dollars.

State  
Geologist.

For James Hall, as State Geologist, as compensation for authorship, the superintendence of drawings and engravings, for clerk hire, and the use of working rooms, for the arranging, labeling and distribution of the duplicate fossils and minerals, as fixed by the Lieutenant-Governor, Comptroller and Secretary of State, pursuant to chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, two thousand five hundred dollars.

## BANKING DEPARTMENT.

Superin-  
tendent.

For the Superintendent of the Banking Department, for salary, five thousand dollars. Revised Statutes, volume second, page five hundred and ninety.

Clerks,  
etc.

For clerk hire, furniture, books, binding, blanks, printing and other necessary expenses of the office of the Superintendent of the Banking Department, fifteen thousand dollars.

Expenses  
how  
repaid.

The aforesaid salary, clerk hire and other expenses above indicated, shall be refunded to the treasury, by the several banks and banking associations of this State, pursuant to chapter one hundred and sixty-four, of the Laws of eighteen hundred and fifty-one.

## INSURANCE DEPARTMENT.

Superin-  
tendent.

For the Superintendent of Insurance Department, for salary, seven thousand dollars, pursuant to chapter three hundred and twenty-six of the Laws of eighteen hundred and sixty-one, and chapter seven hundred and thirty-two of the Laws of eighteen hundred and sixty-eight.

For clerk hire, furniture, books, binding, blanks, printing and other necessary expenses of the Insurance Department, fifty-three thousand dollars.

Clerks,  
etc.

The aforesaid salary, clerk hire and other expenses above indicated shall be refunded to the treasury, by the several insurance companies, associations, persons and agents, pursuant to chapter three hundred and sixty-six of the Laws of eighteen hundred and fifty-nine.

Expenses,  
etc., how  
repaid.

All fees and perquisites of every name and nature, charged, received and collected by the Insurance Department, or any officer thereof (taking therefrom only actual traveling and other necessary expenses, to be audited and allowed by the Comptroller), shall be immediately paid into the State treasury.

Fees, etc.,  
to be paid  
into State  
treasury.

#### STATE ASSESSORS.

For the State Assessors, for compensation and traveling expenses, pursuant to chapter three hundred and twelve of the Laws of eighteen hundred and fifty-nine, the sum of four thousand dollars, or so much thereof as may be necessary.

Assessors.

The office of the Commissioners of Public Accounts is hereby abolished, to take effect on the first day of October, eighteen hundred and seventy-two.

Commis-  
sioners of  
Public  
Accounts  
abolished.

#### INSPECTORS OF GAS-METERS.

For the Inspectors of Gas-Meters, for salary and contingent expenses, pursuant to chapter one hundred and sixteen of the Laws of eighteen hundred and sixty, and to the conditions and requirements imposed by chapter one hundred and thirty-five of the Laws of eighteen hundred and sixty-three, two thousand five hundred dollars; which amount shall be refunded to the treasury by the several gas-light companies, pursuant to chapter three hundred and eleven of the Laws of eighteen hundred and fifty-nine. But no payment shall be made by the Comptroller upon such salary and expenses till an amount equal to such payment shall be received by him from the gas companies, or some of them.

Inspectors  
of Gas-  
Meters.

To be  
repaid by  
gas com-  
panies.

#### QUARANTINE COMMISSIONERS.

For the Commissioners of Quarantine, for salaries, to each of them, two thousand five hundred dollars, pur-

Commis-  
sioners of  
Quaran-  
tine.

• suant to chapter three hundred and fifty-eight of the Laws of eighteen hundred and sixty-three.

#### AUCTIONEERS' ACCOUNT.

Agent to  
examine  
auction-  
eer's  
accounts.

For compensation of the agent to examine the accounts of auctioneers (Revised Statutes, volume second, page four hundred and sixty-seven, and chapter five hundred and forty-seven of the Laws of eighteen hundred and sixty-six), one thousand two hundred dollars, or so much thereof as may be necessary.

#### WEIGHTS AND MEASURES.

Superin-  
tendent.

For Superintendent of Weights and Measures, for salary, three hundred dollars, pursuant to chapter one hundred and thirty-four of the Laws of eighteen hundred and fifty-one.

#### LAND OFFICE.

Land  
office.

For assessments and other expenses of public lands, and for the compensation and mileage of the Lieutenant Governor and the Speaker of the Assembly, for attendance as Commissioners of the Land Office, two thousand dollars.

#### PUBLIC OFFICES.

Postage,  
etc.

For postage on official letters, documents and other matter, sent by mail, of the Governor, Secretary of State, Comptroller, Treasurer, Superintendent of Public Instruction, Attorney-General, State Engineer and Surveyor, Adjutant-General, Inspector-General and clerks of the Court and Commission of Appeals, pursuant to chapter four hundred and thirty-five of the Laws of eighteen hundred and sixty-two, five thousand dollars; and for stationery for the aforesaid public officers and departments (R. S. vol. 1, p. 480), five thousand dollars.

#### CAPITOL.

Repairs,  
etc.

For repairs, cleaning, labor, gas and other necessary expenses of the Capitol, ten thousand dollars.

Superin-  
tendent.

For the Superintendent of the Capitol, for salary, nine hundred dollars.

#### STATE HALL.

Repairs,  
etc.

For repairs, cleaning, labor, gas and other necessary expenses of the State Hall, five thousand dollars.

For Superintendent of State Hall, for salary, nine hundred dollars. Superintendent.

REGENTS OF THE UNIVERSITY.

For Secretary of the Regents of the University, for salary, two thousand five hundred dollars. Secretary.

For Assistant Secretary of the Regents of the University, for salary, two thousand dollars. Assistant-Secretary.

For compensation of a botanist, for arranging the herbarium in the museum of natural history, fifteen hundred dollars. Botanist.

For expense of postage, expressage, printing, stationery, visitation, compensation of a messenger, expenses of Regents in attending meetings of the board and other necessary expenses, two thousand five hundred dollars. Postage, etc.

STATE LIBRARY.

For the purchase of books for the State Library, four thousand dollars. Books.

For binding, lettering and marking books for the State Library, one thousand seven hundred dollars. Binding books, etc.

For repairs, cleaning, gas, transportation of books and other necessary expenses of the State Library, one thousand dollars. Repairs, etc.

For the salaries of the librarians and assistants, and janitor of the State Library, six thousand eight hundred dollars. Salaries.

HALL FOR THE STATE CABINET OF NATURAL HISTORY, AND THE AGRICULTURAL MUSEUM.

For the State Cabinet of Natural History, pursuant to chapter five hundred and fifty-seven of the laws of eighteen hundred and seventy, ten thousand dollars. Cabinet of Natural History.

For the special increase of the zoological collection of the museum of natural history, one thousand dollars. Zoological collection.

For repairs, cleaning, labor, gas, fuel and other necessary expenses, including the compensation of the keeper of the hall for the State Cabinet of Natural History, three thousand five hundred dollars. Repairs, etc.

For the persons employed in preparing drawings for the natural history of the State, for compensation, two thousand five hundred dollars. The Syracuse University Drawings, etc.

Syracuse  
University  
to share  
in distri-  
bution of  
fossils.

is hereby included in the provisions specified in chapter one hundred and seventy-nine of the Laws of eighteen hundred and sixty-eight, in regard to the distribution of duplicate fossils and minerals to the Cornell University.

#### FUEL.

Fuel.

For fuel for the Capitol, the State Hall and the State Library, five thousand dollars.

#### AGRICULTURAL.

County  
agricul-  
tural  
societies.

For donations to the societies in the several counties of the State, and to the State Society for the promotion of agriculture, twenty thousand dollars.

Entomolo-  
gist abol-  
ished.

The office of State entomologist is hereby abolished, to take effect on the first day of October, eighteen hundred and seventy-two.

#### LEGISLATURE.

Mileage  
and com-  
pensation.  
Conting-  
ent ex-  
penses.

For compensation and mileage of members and officers of the Legislature, ninety thousand dollars.

For advances to the clerks of the Senate and Assembly, for contingent expenses, twenty thousand dollars.

Postage,  
etc.

For postage, expenses of committees, compensation of witnesses, Legislative Manual, Croswell's Manual, Clerk's Manual and other contingent expenses of the Legislature, eighteen thousand dollars.

#### STATE PRINTING.

Legis-  
lative  
printing.

For the Legislative printing for the State, including binding, mapping, engraving, publication of the official canvasses and other official notices, pursuant to chapter twenty-four of the Laws of eighteen hundred and forty-six, and chapter two hundred and fifty-four of the Laws of eighteen hundred and forty-seven, one hundred and twenty-five thousand dollars.

#### STATE PRISONS, ETC.

Inspect-  
ors.

For the Inspectors of State Prisons, for salaries, to each of them, one thousand six hundred dollars; and for traveling expenses to each of them, six hundred dollars.



For the support and maintenance of the several State prisons, and for material and expense of manufacturing, pursuant to chapter two hundred and forty of the Laws of eighteen hundred and fifty-four, and chapter forty-three of the Laws of eighteen hundred and sixty-five, six hundred thousand dollars.

Support and maintenance of State prisons.

For compensation of sheriffs for the transportation of convicts to the prisons, asylum for insane convicts, house of refuge and penitentiaries, pursuant to chapter one hundred and twenty-three of the Laws of eighteen hundred and forty-six, of chapter one hundred and fifty-eight of the Laws of eighteen hundred and fifty-six, and chapter six hundred and sixty-five of the Laws of eighteen hundred and seventy-one, twenty thousand dollars.

Sheriffs, for transportation of convicts.

For supplying Croton water to the Sing Sing Prison, pursuant to chapter two hundred and eighty-two of the Laws of eighteen hundred and sixty-one, one thousand five hundred dollars.

Croton water at Sing Sing prison.

For supply of water for Auburn Prison and asylum for insane convicts, one thousand five hundred dollars.

Water at Auburn.

For the maintenance of convicts sentenced to penitentiaries, pursuant to chapter one hundred and fifty-eight of the Laws of eighteen hundred and fifty-six, of chapter five hundred and eighty-four of the Laws of eighteen hundred and sixty-five, and of chapter six hundred and sixty-seven of the Laws of eighteen hundred and sixty-six, ten thousand dollars.

Maintenance of convicts at penitentiaries.

For refunding deposits to prison contractors, pursuant to chapter four hundred and sixty-five of the Laws of eighteen hundred and sixty-three, two thousand dollars.

Refunding deposits to contractors.

#### ASYLUM FOR INSANE CONVICTS.

For the support and maintenance of the Asylum for Insane Convicts, pursuant to chapter one hundred and thirty of the Laws of eighteen hundred and fifty-eight, sixteen thousand dollars.

#### STATE LUNATIC ASYLUM.

For salaries of the officers of the State Asylum for Lunatics, pursuant to chapter one hundred and thirty-five of the Laws of eighteen hundred and forty-two,

Salaries.

and chapter five hundred and ninety-five of the Laws of eighteen hundred and sixty-seven, and chapter two hundred and ninety-five of the Laws of eighteen hundred and seventy, eleven thousand dollars.

Mark  
Jack.

For the support of Mark Jack, an insane Indian at the asylum, two hundred and fifty dollars.

Insane  
female  
convicts.

For the support of insane female convicts at the State Lunatic Asylum, six hundred dollars.

#### HUDSON RIVER STATE HOSPITAL FOR THE INSANE.

Salaries.

For salaries of the officers of the Hudson River State Hospital for the insane, eight thousand dollars, or so much thereof as may be necessary.

#### INDIAN AFFAIRS.

Onondaga  
Indians.

For the relief of the Onondaga Indians, pursuant to chapter two hundred and six of the Laws of eighteen hundred and fifty-eight, three hundred dollars.

Compensation of  
agent.

For compensation of the agent of the Onondaga Indians, pursuant to chapter two hundred and twenty-eight of the Laws of eighteen hundred and forty-three; of chapter three hundred and seventy-six of the Laws of eighteen hundred and fifty-one, and of chapter two hundred and eighty-one of the Laws of eighteen hundred and seventy, two hundred dollars.

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred and seventy-eight of the Laws of eighteen hundred and forty-seven, and chapter six hundred and thirty-five of the Laws of eighteen hundred and sixty-nine, sixty-five dollars, or so much thereof as may be necessary.

For compensation of the agent of the Onondaga Indians, on the Allegany and Cattaraugus reservations, pursuant to chapter two hundred and thirty-three of the Laws of eighteen hundred and fifty-seven, and chapter seventy-three of the Laws of eighteen hundred and fifty-eight, one hundred and fifty dollars.

Attorney  
of the St.  
Regis  
Indians.

For compensation of the attorney of the St. Regis Indians, pursuant to chapter three hundred and twenty-five of the Laws of eighteen hundred and sixty-one, one hundred and fifty dollars.

For compensation of the attorney of the Seneca Indians, pursuant to chapter one hundred and fifty of the Laws of eighteen hundred and forty-five, one hundred and fifty dollars.

Attorney  
of Seneca  
Indians.

For compensation of the attorney for the Tonawanda band of Seneca Indians, pursuant to chapter eight hundred and thirty-nine of the Laws of eighteen hundred and sixty-seven, three hundred dollars.

Attorney  
of Tona-  
wanda  
band of  
Indians.

For the county of Niagara, to re-imburse the same for moneys paid out in support of Susan Green, an insane Indian woman, in the State Lunatic Asylum and the Willard Asylum, two hundred and fifty dollars; and hereafter said Indian shall be supported in the Willard Asylum, at the expense of the State, so long as she shall remain insane.

Niagara  
county,  
for sup-  
port of  
Susan  
Green.

#### ONONDAGA SALT SPRINGS.

For salary of the superintendent, compensation of clerks and other persons employed, and other necessary expenses of the Onondaga salt springs, pursuant to chapter three hundred and forty-six, section thirty-six, of the Laws of eighteen hundred and fifty-nine, fifty-six thousand dollars.

Salary,  
etc.

#### MILITIA OF THE STATE.

For expenses of the National Guard of the State of New York, pursuant to chapter eighty of the Laws of eighteen hundred and seventy, two hundred thousand dollars.

Expenses  
of Na-  
tional  
Guard.

So much, and not exceeding seventy-five thousand dollars, of the appropriation of two hundred and fifty thousand dollars for "altering the small arms of the National Guard to, or exchanging them for, breech-loaders," provided for in chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one, as may not be required for that purpose, may, in the discretion of the Governor, be used for the general purposes of the National Guard as specified above.

Appropri-  
ation for  
altering  
small  
arms may  
be used  
for  
general  
purposes.

#### ROADS.

For payments to commissioners, of moneys received into the treasury for taxes on lands of non-residents,

Payments  
to com-  
mission-  
ers.

appropriated to the construction of roads, six thousand dollars.

#### INTEREST ON STATE INDEBTEDNESS.

Interest  
on State  
debt.

For interest on the debt of thirty-six thousand dollars, created for the benefit of the Stockbridge Indians, pursuant to chapter two hundred and eight of the Laws of eighteen hundred and forty-eight, and chapter thirty-seven of the Laws of eighteen hundred and fifty, two thousand one hundred and sixty dollars.

#### COUNTY TREASURERS.

Advances  
to county  
treasurers.

For advances to county treasurers, on account of taxes on property of non-residents, which may be returned to the Comptroller's office, sixty thousand dollars.

#### TRANSPORTATION.

Transportation  
of Session  
Laws, etc.

For expenses of transportation of the Session Laws, journals and documents of the Legislature, reports, books, etc., and packages by express for the public offices, and for expenses of boxes, pursuant to chapter two hundred and fifty-four of the Laws of eighteen hundred and forty-seven, five thousand dollars.

#### REPAYMENT OF MONEYS.

Redemption  
of lands sold  
for taxes.  
Erroneous  
payments.

For repayment of money to purchasers for redemption of land sold for taxes, fifty thousand dollars.

For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars.

Repayment to  
purchasers in case  
of failure  
of title.

For repayment of money in cases of failure of title to lands sold by the State (Revised Statutes, volume one, page five hundred and forty-one), three hundred dollars.

For repayment of money paid into the treasury through mistake (Revised Statutes, page four hundred and seventy-nine), five hundred dollars.

#### MISCELLANEOUS.

Court of  
Appeals  
reports.

For supplying other States with reports of the Court of Appeals, and of the Supreme Court, pursuant to chapter five hundred and thirty-six of the Laws of eighteen hundred and thirty-six, five hundred dollars.

For expenses of books and stationery for the transfer office, at the Manhattan Company, New York, two hundred and fifty dollars.

Books,  
etc.

For compensation of agent in the city of New York, to superintend the issue and transfer of State stock, pursuant to chapter two hundred of the Laws of eighteen hundred and sixty-six, seven hundred and fifty dollars.

Agent to  
transfer  
stock.

For supplying the "Mexico Independent" to the deaf and dumb persons of this State, in the same manner and upon the same terms as the "Radii" was required to do under and pursuant to chapter three hundred and twenty-nine of the Laws of eighteen hundred and thirty-nine, five hundred dollars.

Mexico  
Independent.  
desk.

For the compensation of the keeping of Washington's Head-Quarters, one hundred dollars.

Washington's  
Head  
Quarters.  
Harbor  
Commissioners.

For expense of the board of Harbor Commissioners, New York, five thousand dollars.

Commissioners to  
revise  
statutes.

For the Commissioners to revise the statutes of the State, appointed under chapter thirty-three of the Laws of eighteen hundred and seventy, for their services, fifteen thousand dollars; and for their expenditures for clerical services and other incidental matters, six thousand dollars. The said commissioners' terms of office and time to complete their work is hereby extended two years.

#### DEAF AND DUMB.

For the support and instruction of three hundred and fifty pupils at the Institution for Deaf and Dumb in New York, pursuant to chapter ninety-seven of the Laws of eighteen hundred and fifty-two, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of the institution, one hundred and fifty thousand dollars; and this sum is in full of all demands upon the State in behalf of said institution during the next fiscal year.

Institution  
for  
deaf and  
dumb in  
New York  
city.

For the support and instruction of one hundred and fifty pupils for one year at the Institution for the Blind in New York, or a proportionate amount for a shorter period of time than one year, or for a smaller number

Institution  
for  
the blind  
in New  
York city.

of pupils, as shall be duly verified by affidavits of the president and secretary of the institution, forty-five thousand dollars.

#### JUVENILE DELINQUENTS.

For the Society for the Reformation of Juvenile Delinquents in the city of New York, forty thousand dollars.

#### HOUSE OF REFUGE.

For the House of Refuge for Western New York, forty thousand dollars,

#### IDIOT ASYLUM.

For the State Asylum for Idiots at Syracuse, thirty-two thousand dollars.

#### WILLARD ASYLUM FOR THE INSANE.

**Salaries.** For the salaries of officers of the Willard Asylum for the insane, nine thousand dollars.

So much of section nine, chapter three hundred and forty-two of the Laws of eighteen hundred and sixty-five, relating to the Willard Asylum, as reads as follows: "said trustees shall also fix the rate per week, not exceeding two dollars, for the board of patients," is hereby repealed, and the said trustees of the Willard Asylum shall hereafter annually fix the price per week, not to exceed the actual cost of support and attendance exclusive of officers' salaries, as provided in relation to the State asylums at Utica and Poughkeepsie.

**Price per week, how fixed.**

**Terms of office of trustees.**

The successors to the trustees of said asylum, who shall be appointed pursuant to the provision of chapter eight hundred and twenty-two of the Laws of eighteen hundred and sixty-nine, shall hold their offices respectively for the term of eight years; except that the term of office of such trustees as are or shall be appointed to succeed Samuel R. Wells and Francis O. Mason shall be computed from the date at which their terms of office terminated, to wit: the ninth day of May, eighteen hundred and seventy-one.

#### INSTITUTION FOR THE BLIND, BATAVIA.

For the maintenance of the Institution for the Blind, at Batavia, thirty-five thousand dollars.

STATE COMMISSIONERS OF PUBLIC CHARITIES.

For the salary of the secretary of the Commissioners of Public Charities, twenty-five hundred dollars, and for the traveling expenses of the commissioners and the secretary, and for office expenses, clerk hire and contingencies of the State Commissioners of Public Charities, two thousand five hundred dollars.

Salary of secretary, etc.

From the free school fund for the State Normal School at Albany, for its maintenance, eighteen thousand dollars.

Normal School at Albany.

For the State Normal and Training School at Brockport, for its maintenance, eighteen thousand dollars.

Brockport.

Hereafter the number of members of the local board of said school, as recommended by the Superintendent of Public Instruction, shall not exceed eleven, and, in addition to the present board, Arnold N. Braman and Elijah Chriswell shall be members of said board.

Additional members.

For the State Normal and Training School at Buffalo, for its maintenance, eighteen thousand dollars.

Buffalo.

For the State Normal and Training School at Cortland, for its maintenance, eighteen thousand dollars.

Cortland.

For the State Normal and Training School at Fredonia, for its maintenance, eighteen thousand dollars.

Fredonia.

For the State Normal and Training School at Geneseo, for its maintenance, eighteen thousand dollars.

Geneseo.

For the State Normal and Training School at Oswego, for its maintenance, eighteen thousand dollars.

Oswego.

For the State Normal and Training School at Potsdam, for its maintenance, eighteen thousand dollars.

Potsdam.

For the maintenance of the teachers' institutes, pursuant to chapter five hundred and fifty-five, title eleven of the Laws of eighteen hundred and sixty-four, eighteen thousand dollars.

Teachers' institutes.

For the support of the common schools of this State, two millions five hundred and sixty thousand dollars, or so much thereof as shall remain of the proceeds of the tax of one and one-fourth mills upon each dollar of the taxable property in the State, levied for the support of common schools, after deducting from the proceeds of said tax the several sums appropriated in the last nine items above mentioned.

Common schools.

Academies, etc.

For the benefit of the academies and academical departments of the union schools, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be derived from a tax of one-sixteenth of one mill upon each dollar of the taxable property of the State; the sum thus arising to be divided as the literature fund is now divided, which is hereby ordered to be levied for each and every year.

PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.

Interest on general fund debt.

For interest on the sum of three millions eight hundred and twenty-nine thousand, eight hundred and thirty-one dollars and fifty-three cents, of the General Fund State debt, one hundred and ninety-nine thousand one hundred and ninety dollars and fifty-two cents.

Indian annuities.

For the payment of the annuities to the several Indian tribes, viz:

Onondagas, two thousand four hundred and thirty dollars.

Cayugas, two thousand three hundred dollars.

Senecas, five hundred dollars.

St. Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents,

PAYABLE FROM SCHOOL FUND—CAPITAL.

Loans to towns and counties.

For investinent, for loans to towns and counties, pursuant to chapter one hundred and ninety-four of the Laws of eighteen hundred and forty-nine, fifty thousand dollars, or so much thereof as may be necessary.

REVENUE.

To common schools.  
Indian schools.

For dividends to common schools (R. S., vol. 1, p. 538), one hundred and seventy thousand dollars.

For support of Indian schools, pursuant to chapter seventy-one of the Laws of eighteen hundred and fifty-six, four thousand dollars.

Refunding moneys for redemption of lands.

For refunding money paid into the treasury for redemption of lands sold for arrears of consideration, pursuant to chapter four hundred and fifty-seven of the Laws of eighteen hundred and thirty-six, five hundred dollars.

Surplus moneys.

For refunding surplus moneys received on re-sales of land (R. S., vol. 1, p. 496), five hundred dollars.



For expenses of lands (R. S., vol. 1, p. 554), two hundred dollars. Expenses.

PAYABLE FROM THE LITERATURE FUND.

For dividends to the academies, pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight, twelve thousand dollars. Dividends to academies.

For the purchase of text-books, maps and globes, philosophical and chemical apparatus for the academies (R. S., vol. 2, p. 72); three thousand dollars. Text-books, etc.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND CAPITAL.

For investment as capital of the United States deposit fund, pursuant to chapter one hundred and fifty of the Laws of eighteen hundred and thirty-seven, one hundred thousand dollars, or so much thereof as may be necessary. U. S. deposit fund.

REVENUE.

For dividends to common schools, pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight, including the salaries of the county school commissioners, pursuant to chapter one hundred and seventy-nine of the Laws of eighteen hundred and fifty-six, one hundred and sixty-five thousand dollars. Dividends to common schools.

For dividends to academies, pursuant to chapter two hundred and thirty-seven of the Laws of eighteen hundred and thirty-eight, twenty-eight thousand dollars. Academies.

For amount to be added to the capital of the school fund (article nine of the Constitution), twenty-five thousand dollars. Capital of common school fund.

For instruction of common school teachers in the academies designated by the Regents of the University, pursuant to chapter two hundred and thirty-five of the Laws of eighteen hundred and fifty-two, eighteen thousand dollars. Instruction of common school teachers.

PAYABLE FROM THE BOUNTY DEBT SINKING FUND.

For investment of contributions to the sinking fund and payment of interest on the State indebtedness, incurred pursuant to chapters two hundred and twenty-six and three hundred and twenty-five of the Laws of Contributions to sinking fund.

eighteen hundred and sixty-five, known and designated as the bounty debt, four millions one hundred thousand dollars, or so much thereof as may be necessary.

**PAYABLE FROM THE COLLEGE LAND SCRIP FUND REVENUE.**

Cornell  
university.

For the Cornell university, pursuant to chapter five hundred and eighty-five, of the Laws of eighteen hundred and sixty-five, thirty-five thousand dollars.

**PAYABLE FROM THE CORNELL ENDOWMENT FUND REVENUE.**

Ibid.

For the Cornell university, pursuant to chapter five hundred and fifty-four of the Laws of eighteen hundred and sixty-eight, ten thousand dollars.

**PAYABLE FROM THE MILITARY RECORD FUND REVENUE.**

For expenses of the Bureau of Military Statistics, three thousand dollars.

**PAYABLE FROM THE ELMIRA FEMALE COLLEGE EDUCATIONAL FUND REVENUE.**

Elmira  
Female  
College.

For the Elmira Female college, pursuant to chapter six hundred and forty-three of the Laws of eighteen hundred and sixty-seven, three thousand five hundred dollars.

Appropriations,  
how paid.

Warrants  
by Comptroller.

§ 2. The amounts herein appropriated shall be paid by the Treasurer from the respective funds as specified, and the salaries named shall be established and fixed by this act for the several officers for whom they are designated; but the Comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, till the persons demanding them shall present to him a detailed statement in items of the same; and if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business, and the

date and items of expenditures. All accounts must be verified by an affidavit to the effect that the account is true, just and correct, and that no part of it has been paid, but is actually and justly due and owing; on all accounts for transportation, furniture, blank and other books purchased for the use of office, bin ing, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenses, a bill duly receipted must also be furnished; and it shall also be the duty of the Treasurer to report annually to the Legislature the detail of these several expenditures. No officer, clerk or employee, whose salary is fixed or provided for by this bill, or whose employment by the head of a department is authorized herein, shall, under any pretext whatever, receive any other or additional compensation by any appropriation in the supply bill or otherwise, for any performance of official, clerical or other duty required by law to be performed in the department in which he is such officer, clerk or employee.

Accounts to be verified.

No additional compensation.

§ 3. All institutions and societies, entitled under the provisions of this act to receive money from the State, shall make an annual report to the Legislature, which report shall be presented on or before the fifteenth day of January in each year, and no money hereby appropriated shall be paid to any institution or association which has neglected to make such report, unless a report of its condition be filed with the Comptroller within ten days after notice by the Comptroller to such institution or association to make and file the same.

Certain institutions to report annually.

## Chap. 542.

**AN ACT** in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The commissioners of highways of the town of Flatlands, or a majority of them shall, at the

Commissioners of highways

to submit estimate of amount required for roads, etc., to supervisors.

Amount to be raised by tax.

Official bond.

Commissioners to account to town auditors.

Certain laws repealed.

No money to be expended on Ocean avenue.

next annual meeting of the board of supervisors of Kings county, and at every annual meeting of said board thereafter, make a statement of the money which, in their opinion, or in that of a majority of them, will be required, but not to exceed two thousand dollars, for the making and repairing of roads and bridges in said town during the ensuing year, commencing on the first Tuesday of April next, after such annual meeting; and the said board shall cause the sum specified in such statement to be assessed on the real and personal estate taxable in said town, and to be collected with the other taxes to be raised therein, and shall direct the amount thereof to be paid by the collector of taxes to the said commissioners of highways, and they shall expend the same, or so much thereof as they shall deem necessary, in making and repairing roads and bridges in said town.

§ 2. The said commissioners shall severally make and execute to the supervisors of said town a bond conditioned for the payment of double the amount to be raised, and with two sureties which shall be approved by him, for the faithful and proper expenditure of the money to be raised by tax and paid to them as above directed; and they shall render an account, under oath, to the board of town auditors of their town at every annual meeting held by them of the manner in which said money shall have been expended during the current year, together with the vouchers for all sums paid out by them.

§ 3. All the provisions of law for assessment of highway labor in said town, and all provisions of law for the making and repair of roads therein inconsistent with this act, except the provisions of section eight of an act entitled "An act to lay out, open, construct and keep in repair Ocean avenue, in the county of Kings," passed April nineteenth, eighteen hundred and seventy-one, as apply to said town, are hereby repealed; but none of the moneys authorized to be raised by this act shall be applied to said Ocean avenue.

§ 4. This act shall take effect immediately.

## Chap. 543.

AN ACT conferring jurisdiction upon the Canal Appraisers to hear and determine the claim of Joshua W. Ketchum.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Jurisdiction is hereby conferred upon the Canal Appraisers to hear and determine the claim of Joshua W. Ketchum, of the town of Brutus, in the county of Cayuga, whose premises, consisting of a grocery store and barn, were, it is alleged, rendered valueless by the act of the State in cutting off a public highway leading thereto in the enlargement of the Erie canal, whereby the said premises became inaccessible, and the owner was compelled to tear down and remove them.

Canal appraisers may hear claim of Joshua W. Ketchum.

§ 2. If upon such investigation by the Canal Appraisers it shall appear that the facts established by evidence are such as would create a legal liability were the State a private individual or corporation, the said Appraisers shall award to said Joshua W. Ketchum such sum as shall be just and equitable, not exceeding six hundred dollars, which sum shall be paid out of any moneys appropriated or to be appropriated for ordinary or extraordinary repairs of the canals.

When award may be made.

Amount limited.

§ 3. This act shall take effect immediately.

## Chap. 544.

AN ACT to declare the day for holding the general State election a public holiday.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The day for holding the general State election in each year shall be a public holiday, for the

Day for holding general

State elec-  
tion a  
holiday.

purpose and with the effect provided in and by chapter three hundred and seventy of the Laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, passed April fourth, eighteen hundred and forty-nine;' passed April twenty-third, eighteen hundred and seventy."

## Chap. 545.

AN ACT to open, widen, straighten, work and grade Third avenue in the town of Morrisania.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Com-  
missioners.

Duties.

Route.

New  
grade  
between  
164th and  
166th  
streets to  
be estab-  
lished, etc.

SECTION 1. Theodore Wilkins, George R. Teasdale, Eugene Ring, James Cochrane, Jr., and Valentine Frees, are hereby appointed commissioners, and as such are hereby authorized and directed to open, widen, straighten, work and grade Third avenue, formerly known as Boston road, and Fordham avenue, from the northerly line of north New York, to the northerly line of the town of Morrisania, as the same has been laid out by Gouverneur Morris, Samuel E. Lyon and others, commissioners, appointed by an act of the Legislature of the State of New York, entitled "An act for the laying out, opening and closing streets, roads and avenues in the town of Morrisania, in the county of Westchester," passed May nineteenth, eighteen hundred and sixty-eight, and as laid down and shown upon a map made by said commissioners, on file in the office of the register of the county of Westchester, and of the town clerk of the town of Morrisania; and said commissioners are also authorized to make and establish a new grade of said avenue, between One Hundred and Sixty-fourth and One Hundred and Sixty-sixth streets; and if in the grading of said avenue it shall be necessary in the opinion of said commissioners to relay the pavement or the curb,

getters and flagging upon any part of said portion of said avenue, or to extend the pavement already laid to the line of said avenue as widened, they are authorized so to do; and they are also authorized to build a bridge over Mill brook; and to grade the streets crossing or intersecting said avenue at the points of intersection, so far as to make them conveniently passable. The said avenue and the lands so acquired shall be a public highway. In case of the death, resignation, or refusal to act of any or either of said commissioners, the remaining commissioners, or a majority of them, as often as such vacancy shall happen, shall appoint a suitable person who shall be an elector in the town of Morrisania to fill such vacancy, and such appointee shall have the power and authority vested in a commissioner by this act. A majority of the commissioners shall have the power to perform the duties herein specified; such commissioners, before entering upon the duties herein specified, shall severally take and subscribe an oath before some person authorized to administer oaths, faithfully and impartially to exercise and perform the duties of said office; but no compensation or allowance whatever shall be made to the said commissioners, or any or either of them, for their services, by virtue of this act. The said commissioners, if they shall deem it advisable so to do, are hereby authorized to acquire title in the manner provided by this act, to a small strip of land on the southerly side of said avenue for the purpose of changing the channel of Mill brook to enable them to construct said bridge at right angles with said avenue, the cost thereof to be part of the expense of the opening and widening of such avenue.

§ 2. It shall be lawful for said commissioners, and for all persons acting under their authority, to enter in the day-time, into and upon any lands, tenements, and hereditaments, which they shall deem necessary to be surveyed, used or converted, for the laying out, widening or straightening said avenue. The damages awarded for the taking of the lands, tenements and hereditaments to be taken for such laying out, opening, widening, or straightening, shall be paid for by assessing the amount thereof in the manner hereinafter provided,

Bridge over Mill brook.

Vacancies, how filled.

Majority may act.

Official oath.

May acquire title to certain land.

May enter on lands to make surveys, etc.

On what lands assessment to pay damages to be made.

Grade  
estab-  
lished  
confirmed.

upon the strips of lands, one hundred feet deep, lying on each side of said avenue as widened, through the whole length of such widening. The grade of said avenue as established by Gouverneur Morris, and others, commissioners for the laying out of streets in said town, except between One Hundred and Sixty-fourth and One Hundred and Sixty-sixth streets, is hereby confirmed and declared to be the lawful grade of said avenue.

Awards  
and  
assess-  
ments to  
be made  
by com-  
mission-  
ers to be  
appointed  
by court.

§ 3. The payments of awards for damages to such lands, tenements, or hereditaments, to be taken or converted, and the assessments upon said lands fronting on said avenue to pay such awards, shall be apportioned in such manner as they shall deem most equitable and just, by three commissioners of estimate and assessment, who shall be residents of the county, to be appointed by the Supreme Court at a special term held in the judicial district in which said county is situated, or by the county court of the county of Westchester, on the application of the commissioners named in this act. Notice of said application shall be published in a newspaper published in the town of Morrisania, once in each week, for two weeks successively, before the day on which the application is to be made; the said courts may also appoint another or others to act in the place of any one or more of such commissioners who may die, decline serving, or remove from the county, or from any cause may be disabled from serving, without notice, upon application of the commissioners named in this act.

Notice to  
be pub-  
lished.

Map to be  
made.

§ 4. The commissioners named in this act shall cause a map to be made by a competent surveyor, on which map shall be designated, by feet and inches, as near as may be, the several pieces of land and premises necessary to be taken for said improvement, and of any residue of lots or pieces of land within the district of assessment, of which only a part will be required for the same, and also the several pieces and premises within the above mentioned strips of land one hundred feet wide, situated on each side of said avenue, which said pieces of land shall be numbered in figures from one upward; and the map aforesaid shall form and constitute a part of the report of the commissioners of



estimate and assessment, and shall be deposited with the report for examination with the clerk of the town of Morrisania.

§ 5. The said commissioners of estimate and assessment shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of such appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in this act; and for this purpose they shall have power to enter upon and examine any premises which in their opinion will be affected by the said improvement, to hear the proofs and allegations of the parties interested, at such times and places as they may appoint, and to adjourn from time to time as they may deem proper.

Commissioners of estimate and assessment to be sworn. Their duties.

§ 6. The report of said commissioners shall be made in a tabular form, with columns in which shall be given the whole expense of the proposed improvement and the several items thereof, the numbers on the map of the pieces of land required for the improvement, and of any residue, lots or pieces within the district of assessment, of which only a part shall be required for the same; the number of the pieces of land assessed for the benefit, the names of the persons interested in the property taken for the improvement, the amount assessed on each piece of land and on the different interests therein; the balance of award to be received by the different parties over the assessment, the balance of assessment to be paid by each individual whose assessment amounts to more than the award; and so many and such different statements as may be necessary to designate the true interests in relation thereto; provided, however, that where, after diligent inquiry, they shall be unable to discover the name of the owner, they may substitute for the name of the owner the words "unknown owners."

Report, in form of.

Proviso.

§ 7. In cases in which part only of the lands and premises of any person or persons will be required for such proposed improvements, the fair estimated benefit to be derived by him, her or them, in common with others, from the said improvement shall be assessed and

In case where parts of lots are taken, estimated benefits to be a

lien on  
residue of  
lot.

When  
report  
not con-  
firmed.

Report  
to be  
deposited  
with  
town  
clerk and  
notice  
published.

Objec-  
tions to  
be in  
writing.

Commis-  
sioners to  
review,  
correct  
and file  
report.

Notice of  
comple-  
tion and  
filing,  
etc.

Appeal,  
how  
taken.

be a lien upon the residue of said lands and premises, but such assessment shall, in no case, exceed the value of such residue; and if in the opinion of the court to whom said report shall be presented for confirmation, as hereinafter provided, any assessment shall exceed such value, it shall be good cause against confirming such report.

§ 8. After said report shall be completed it shall be deposited by the said commissioners of assessment, with the clerk of the town of Morrisania, they shall then cause a notice to be published in a newspaper published in said town, that the report has been completed and filed, and that they will meet at a time and place therein to be specified, not less than two weeks from the first publication of such notice, to review their report; during that time the said report may be examined, free of expense, by all persons interested; and at the time and place so specified, any such person may offer objections, in writing, to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report and correct the same, when they shall deem the same proper, and shall then file the same with the said town clerk. The commissioners named in this act shall then cause a notice to be published in a newspaper published in said town, that the said report has been so completed and filed, and that application will be made on behalf of said commissioners to the Supreme Court, at any one of the special terms thereof, to be held in the second judicial district or to the county court of the county of Westchester, the time to be specified in such notice, to be not less than two weeks from the first publication thereof, to have the said report confirmed during the said space of two weeks; the said report shall remain open to the inspection, free of expense, of all persons interested, and any such persons may, within said time, appeal from such report; such appeal shall be by notice, to be served on the town clerk within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice is to be accompanied with copies of the objections

and affidavits which shall have been delivered to the commissioners, and also with a brief statement, in writing, of the grounds of objection to such report, and of the manner in which it is contended the same ought to be altered.

§ 9. Such appeal shall be heard by the court to which the said report shall be presented. Copies of the affidavits which shall have been delivered and served as aforesaid, but no others, may be read against confirming such report; but no cause against such confirmation shall be heard except an appeal shall have been made in the manner provided in the preceding section of this act. If no sufficient reason to the contrary shall appear to the court, they shall confirm the said report; or if, in their opinion, the same ought not to be confirmed, they may refuse so to do, and in the event of such refusal they shall refer it back for revision and correction to the same commissioners, who shall proceed to revise or correct the same, and cause a new report to be filed in the office of the clerk of said town. The commissioners, to lay out such avenue, shall thereupon cause a new notice to be published in the manner required in the preceding section of this act, of the filing of such report, and of their intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in the said section, and such appeals shall be proceeded upon, and the said report again disposed of, in the manner required by this section; and so often as any such report shall be referred back for revision or correction, like proceedings shall be thereupon had as provided in this section, upon a first reference back to the said commissioners. In cases, however, where the said court shall direct specific alterations to be made in its presence, they may thereupon absolutely confirm the said report without further notice. On the confirmation of such report the said assessments for benefits shall be a first lien upon the several lots, pieces or parcels of lands upon which they shall have been assessed, and shall be and remain a surety for the payment of any and all assessment bonds issued by the board of trustees of the town of Morrisania that may be issued for the purpose of providing

Proceedings on appeal.

On confirmation of report, assessments to be first liens.

Proviso.

moneys for paying the said awards for damages as hereinafter provided, until fully paid and discharged; provided, however, that as between vendor and purchaser such assessments, except the portion thereof to be collected by the treasurer of said commissioners, shall be a lien only to the extent of such portion of such assessments as shall at the time have been previously levied as taxes, as hereinafter provided, and then remaining unpaid.

Awards to be set off against benefits.

§ 10. The awards for damages for the portion of any lot, piece or parcel of land taken for said avenue shall be set off against the amounts assessed for benefits upon the residue of such lot, and the balance only shall be paid or collected; and the balance of awards over assessments shall be paid by said commissioners or their treasurer, to the persons or to the attorneys or legal representatives of such persons, to whom damages may have been awarded, without any deduction whatever.

Assessments, how collected.

Of the assessments for benefits or the balance of assessments for benefits over awards, one-fourth part thereof shall be collected by the treasurer of said commissioners, as hereinafter provided; and of the residue, one-fourth thereof shall, after such confirmation, be annually assessed by the assessors of the said town of Morrisania upon each lot so assessed, and shall be levied by the board of supervisors of the county of Westchester, upon the several lots, pieces or parcels of land upon which they shall have been so assessed by said commissioners of estimate and assessment, in the same manner as taxes are levied in said town, together with interest thereon from the confirmation of such report to the first day of April following such assessment, and the proportionate part of the expense of printing and negotiation of assessment bonds to be issued as in this act provided, and shall be collected in the same manner as other taxes; and the moneys realized from such taxes shall be paid to and held by the treasurer of the board of trustees of the town of Morrisania, as a special fund, and shall be applied to the payment of the assessment bonds to be issued by the board of trustees of the town of Morrisania, as in section twenty of this act provided, and the interest thereon and the proportionate

Moneys, how applied.

expense attending the printing and negotiation of such bonds.

§ 11. After the report of the commissioners of estimate and assessment shall have been confirmed by the said board, it shall be delivered to the commissioners named in this act who shall thereupon deliver it to their treasurer, who shall thereupon be authorized to proceed to collect the said one-fourth part of the various sums which is hereinbefore authorized to be collected for benefits by said treasurer. Such treasurer, before he shall proceed to collect said moneys, shall execute and deliver to the commissioners a bond, to be executed by him, in such penal sum and with such sureties as shall be approved by said commissioners, conditioned that he shall account for and pay over all moneys collected by him as such treasurer in such manner as is required by this act, and as shall be directed by said commissioners in the performance of their duties under this act. Upon the execution and delivery of said bond, the said commissioners shall publish a notice in one or more of the newspapers published in said town once in each week for the period of sixty days, and shall state in such notice the fact of the confirmation of said report, and that the several persons who are assessed thereon are required, within the next sixty days to pay the said one-fourth part of their assessment to said treasurer, naming therein the place and time, not less than two days in each week, where and when the said treasurer will sit to receive assessments. The persons so assessed shall have the right to pay their assessments to said treasurer within the first thirty days from the first publication of said notice without any percentage or interest added; and on all assessments paid, within the thirty days next succeeding the aforesaid thirty days, there shall be added and paid one per cent. which shall belong to said treasurer as his compensation for collecting and disbursing the moneys that shall be received by him as such treasurer; provided, however, that such compensation shall not exceed the sum of five hundred dollars; and on all assessments that shall be paid after the expiration of sixty days from the first publication of said notice, there shall be added and paid five per cent.,

Treasurer  
to give  
bond.

Notice to  
be pub-  
lished.

Payments  
made  
within 30  
days to be  
without  
percent-  
age.

Percent-  
age.

Return of  
unpaid  
assess-  
ments.

Sales.

Compensation of  
commissioners of  
estimate  
and  
assessment.

Excess to  
be re-  
funded.

which, together with any portion of the said one per cent. above the amount allowed said treasurer, shall be added to and distributed with any surplus that may remain after paying all damages and expenses provided for by this act. On the expiration of sixty days from the first publication of said notice, the said treasurer shall make a written return to the treasurer of the board of trustees of the town of Morrisania of all assessments then unpaid, describing the land assessed and giving the name of the person assessed as appearing in said report. It shall be the duty of said treasurer, upon receiving such return, to proceed to advertise for sale, and sell, the several lots, pieces or parcels of lands that are so returned as delinquent in the manner provided by an act entitled "An act to create a board of trustees for the town of Morrisania, and to define their powers," passed April twenty-second, eighteen hundred and sixty-four, and the acts amendatory thereof; provided, however, that the notice of the sale made by him shall be published for only thirty days, and the provisions of such act, and the acts amendatory thereof, relating to the sale of lands for unpaid assessments, and redemption from such sale so far as not inconsistent with the provisions of this act, shall apply to sales made by said treasurer under the provisions of this act.

§ 12. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed three dollars for each and every day while actually and necessarily employed in and about their duties, and such compensation and the fees and charges of the attorney, and the fees and charges of surveyors and other persons employed by said commissioners, and all other expenses attending the proceeding, shall be estimated and be included in the expenses of the improvement; such fees and charges, except the fees of the commissioners of estimate and assessment, shall be fixed and allowed by the court.

§ 13. If the estimate of expenses shall exceed the amount of expenses which shall be actually incurred in making the improvement, such excess shall be refunded

or allowed to the persons assessed in proportion to the amount of their respective assessments.

§ 14. In any matter attending the opening or widening of said avenue under the provisions of this act, a justice of the Supreme Court or the county judge of the county of Westchester shall have power on application, to appoint guardians for infants or other incompetent persons, to protect their interests and prosecute appeals.

Guardians for infants, etc.

§ 15. The commissioners named in this act, or a majority of them, shall have power to make said avenue, and to grade and work the same, and to construct said bridge. All such work shall be done by contract, after advertising for bids for two weeks, in a newspaper published in the said town; and before entering into any contract they shall require of the party or parties to whom the contract may have been awarded, a bond, with sureties, and in a penalty, both to be approved by the commissioners, conditioned that the said party will construct the work at the price and upon the terms proposed, according to the specifications and survey; such contract shall be let to the lowest bidder who shall furnish satisfactory security.

Work to be done by contract.

§ 16. The necessary legal expenses incurred by said commissioners in working and grading said avenue, and the expenses of printing and surveys, specifications and superintendence of said work, and other similar purposes, shall be deemed a part of the expense of making and improving said avenue.

What to be deemed expenses of making and improving avenue.

§ 17. When said avenue shall be completed by said commissioners, the same shall be by them surrendered to the board of trustees of the town of Morrisania, who shall thereafter maintain and keep the same in as good condition as when surrendered to them. It shall be the duty of the New York and Harlem Railroad Company to construct a bridge along said avenue, the whole width thereof, over their track leading to Port Morris, in the manner required by said commissioners; and if they shall neglect or refuse so to do said commissioners shall have power to construct the same, and recover the cost thereof from said company by action.

On completion avenue to be surrendered to trustees.

N. Y. & H. R. R. Co. to construct bridge.

Money to  
be raised  
by issue  
of town  
bonds.

§ 18. Such sums of money as may be necessary to make, grade, drain, and otherwise improve said avenue, to an extent not exceeding fifty thousand dollars, and to construct said bridge and relay said pavement and curb, gutter and flagging as aforesaid, and to construct the bridge over said railroad track if it shall become necessary for said commissioners to construct the same as above provided, shall be raised by the issue of bonds of the town of Morrisania, upon the faith and credit of said town, to be issued by the board of trustees of the town of Morrisania; such bonds shall be issued from time to time as required on the requisition of said commissioners for making said avenue by said board of trustees, and shall be countersigned by such one of the said commissioners as shall be by said commissioners designated for that purpose, and shall bear an interest of seven per cent. per annum, payable semi-annually, and they shall be so drawn as to become due in sums not exceeding ten thousand dollars in any one year; such bonds shall be in sums of not less than five hundred dollars, and shall be registered in the office of the clerk of the said town, and shall be issued with coupons. The said commissioners for making said avenue, shall receive said bonds, and shall convert them into money, and shall expend the proceeds thereof in making and improving said avenue as aforesaid, or they may pay such bonds directly to the contractor, and make provisions therefor in any contract to be awarded by them.

Bonds,  
when to  
become  
due.

Proceeds,  
how ex-  
pended.

Annual  
tax to be  
levied to  
pay prin-  
cipal and  
interest.

§ 19. It shall be the duty of the board of supervisors of the county of Westchester, from year to year, to assess upon the town of Morrisania, and there shall be annually assessed and collected, such sums as shall be required from year to year to pay the principal and interest of said bonds as fast as they shall mature; but such sums as shall be so raised to pay the principal and interest of said bonds, shall be applied by the treasurer of said board of trustees to the payment and redemption of the principal and interest of said bonds as the same shall, from time to time, become due; and the said treasurer shall in each case, take from the person or persons to whom he shall make such payment a receipt therefor, to be written on such bonds, and shall



present such bonds and receipts as his vouchers, to the board of trustees of said town, at their next meeting thereafter; and the said board shall cause the word "canceled" to be written over the face of each bond so presented to them.

§ 20. It shall be the duty of the board of trustees of the town of Morrisania, upon the requisition of said commissioners, to issue coupon bonds of the town of Morrisania, upon the faith and credit of said town, to be denominated assessment bonds of the town of Morrisania, of the denomination of five hundred dollars or one thousand dollars, to an amount equal to the amount of assessments for benefits, or balance of assessments for benefits over awards, and the expenses provided in section ten of this act, to be assessed and levied as taxes upon the several lots, pieces or parcels of land in said section mentioned; such bonds shall bear interest at the rate of seven per cent. per annum, payable semi-annually, and shall be countersigned by the treasurer of said board of trustees, and by one of said commissioners, to be designated for that purpose by said commissioners and shall be registered in the office of the town clerk of said town and shall be executed by the president and clerk of said board. Of such bonds one-fourth of the aggregate amount thereof shall be made payable on the first day of April, in the year next following the issue thereof; one other fourth part of such aggregate amount shall be made payable on the first day of April, in the second year following their issue; one other fourth part of such aggregate amount shall be made payable on the first day of April in the third year following their issue; and the other one-fourth part of such aggregate amount shall be made payable on the first day of April, in the fourth year following their issue. Such bonds shall be delivered by said board of trustees to said commissioners, who shall negotiate the same and apply the proceeds in connection with the moneys to be collected by the treasurer of such commissioners to the payment of awards for damages in the laying out, opening, widening and straightening of said avenue. The treasurer of the board of trustees of the town of Morrisania, upon the payment of said bonds, shall take the receipt of the

Coupon  
town  
bonds to  
be issued.

To be  
paid by  
balance of  
assess-  
ments  
over  
awards.

Bonds,  
when to  
be pay-  
able.

Treasurer  
on pay-  
ment to  
cancel  
bonds.

person to whom payment shall be made, drawn upon the back of such bond, and shall write across the face thereof, the word "canceled," and shall deliver the same to said board of trustees, at their next regular meeting after such payment.

§ 21. This act shall take effect immediately.

## Chap. 546.

AN ACT to incorporate the Mechanicville Bridge Company, for the purpose of constructing and maintaining a bridge over the Hudson river between the village of Mechanicville and the town of Schaghticoke.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

Corporate name and object.

Proviso.

Corporate powers.

SECTION 1. William C. Tallmage, Newton H. Ballou, Francis Pruyn, William W. Smith, Charles Heimstreet, Robert M. Hasbrouck and Joseph F. Knickerbacker, and their associates, are hereby created a body corporate and politic, by the name of the Mechanicville Bridge Company, for the purpose of constructing and maintaining a permanent bridge over the Hudson river between the village of Mechanicville, in the county of Saratoga, and the town of Schaghticoke, in the county of Rensselaer; and, as such corporation, are invested with all the powers and privileges, and are subject to all the liabilities, conferred and imposed by title three, chapter eighteen, of part one of the Revised Statutes; provided, however, that said bridge shall be completed and opened to the public use on or before the first day of June, in the year one thousand eight hundred and seventy-six. This body corporate shall expire at the expiration of fifty years.

§ 2. The said corporation shall have power to purchase, acquire and hold as much real estate as may be necessary for the site of said bridge, and of all piers, abutments, walls, toll-house, and other structures proper to said bridge, and for the opening of suitable avenues of

approach to said bridge; to borrow money from time to time, not exceeding in the aggregate at any one time the amount of the capital; to make and establish from time to time ordinances and laws, under reasonable penalties, to be recovered in the name and on behalf of the said corporation in any court of the county of Rensselaer, or of the county of Saratoga, having the jurisdiction of justice of the peace, regulating the travel over said bridge by vehicles and animals; and, in case of destruction of said bridge, to reconstruct and maintain the same, and to borrow additional moneys sufficient for that purpose.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of fifty dollars each. The directors of said corporation may, at any time, with the consent in writing, of stockholders holding a majority of the stock, increase such capital, not exceeding the sum of fifteen thousand dollars. The shares shall be deemed personal property, and may be transferred in such manner as shall be prescribed by the by-laws of the corporation.

§ 4. The persons named in the first section of this act shall constitute the first board of directors of said corporation, and shall hold their places as such until the first Monday of June, eighteen hundred and seventy-three, and until others shall be elected in their stead. The number of directors after the time last mentioned, shall not be less than seven nor more than eleven, to be fixed in the by-laws of the corporation. An election of directors shall take place on the first Monday of June, in the year eighteen hundred and seventy-three, and annually on that day thereafter, at an hour and place to be designated in the by-laws; and the persons then elected by a majority of shares voted upon by the stockholders in person or by proxy, shall constitute the directors for the then ensuing year, and until others shall be duly elected in their places. All vacancies which shall occur in the board of directors, by death, resignation, mental incompetency, removal from the State, or otherwise, shall be filled by appointment of a majority of the remaining members for the balance of

By-laws.

Capital stock.

Shares to be personal property.

First directors.

Number of directors.

Annual election.

Vacancies, how filled.

the term thus vacated. A majority of said board shall constitute a quorum.

**Officers.**

§ 5. The officers of the corporation shall consist of a president, secretary and treasurer, who shall be annually elected by the incoming board of directors. Such subordinates may be appointed from time to time as the board of directors may direct. A record of the proceedings of the board of directors shall be kept by the secretary, and a statement of the financial condition of the corporation, the amount of money expended on account of said bridge and appurtenances, and of its receipts and expenditures, shall be annually prepared by the president and treasurer, verified by them under oath, and filed in the office of the Secretary of State on or before the first day of June in each year.

**Record of proceedings and financial statement.**

**Rates of toll.**

§ 6. The board of directors shall have power to fix the rates of tolls for persons, animals, carriages and vehicles of every kind or description passing over the same. A toll-gate shall be kept at either end of the bridge, and the toll demanded and paid upon the passage of said gate. The rates of toll shall be posted up conspicuously at the toll-gate. The said directors shall reduce the rates of tolls from time to time, so that the net profits of said bridge shall not exceed the sum of twelve per cent. per annum upon the cost of said bridge, after deducting the expenses of repairs and improvements to said bridge, its appurtenances and approaches, and all just and proper damages against the said corporation.

**Limitation.**

**Willful injuries, how punished.**

§ 7. Any person willfully doing any injury to the said bridge or any of its appurtenances, shall forfeit and pay to the said corporation three times the amount of such injury, and shall be deemed guilty of a misdemeanor, and be subject to a penalty not exceeding fifty dollars, and to imprisonment not exceeding six months, in the discretion of the courts.

**Bridge, where and how built.**

§ 8. The said bridge shall be erected or constructed at or within eighty rods of the ferry, now and hitherto owned and run by Charles Heimstreet across said Hudson river, from the said town of Schaghticoke, Rensselaer county, to the village of Mechanicville

aforesaid, and shall be built upon piers and abutments and with a substantial railing or siding.

§ 9. If the said corporation shall be unable to agree, for any reason, with the owner or owners of any real estate required for its purposes as aforesaid, for the purchase thereof, it shall have the right to acquire the same, in the manner and by the like special proceedings as are authorized and provided for obtaining title to real estate required for the purpose of a railroad corporation, under the fourteenth section of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and other sections of the said act relative thereto, and any acts amendatory thereof or in addition thereto; and for that purpose all such acts shall be considered applicable to the corporation hereby created as far as may be, in like manner as if the same were named therein, and such modifications may be made in the formal part of the proceedings in order to apply the same to the corporation hereby created, instead of a railroad corporation, as shall be approved by the Supreme Court; and the said court may make such orders and regulations as to the mode and manner of conducting the proceedings, and all things relative thereto, so as to effectuate and make the same valid for acquiring title to such real estate as the said court may deem proper; and the title thus acquired by the said corporation shall vest in it the fee simple of the said land. The said court, on sufficient cause being shown, and on proof of the payment or tender of the amount to be paid for such real estate, in any manner as may have been required by said court, may issue summary process, in such form as may be deemed proper to the sheriff of the proper county, commanding him, without delay, to put the said corporation, by its proper agents, in the possession of such real estate, and may enforce such process in such manner as may be conformable to law.

Title to  
necessary  
real  
estate,  
how  
acquired.

Court to  
regulate  
proceed-  
ings.

Summary  
process  
to put  
corpo-  
ration in  
possession.

§ 10. After said bridge shall be located and erected, it shall not be lawful for any person or persons, corporation or corporations, to keep or use any ferry within one mile of said bridge, during such times as the said

No ferry  
to be kept  
or used  
within  
one mile  
of bridge.

bridge shall be passable, and it shall not be lawful for any court of the counties of Rensselaer or Saratoga thereafter, to license any ferry within the distance above mentioned from said bridge.

No bridge  
to be  
erected  
within  
one mile.

§ 11. After said bridge shall be located and erected, it shall not be lawful for any other bridge to be erected across the Hudson river, within one mile thereof.

§ 12. This act shall take effect immediately.

## Chap. 547.

AN ACT to incorporate the Otselic Reservoir Company in the counties of Madison and Chenango.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpo-  
rators.

Corporate  
name and  
objects.

SECTION 1. James Brown, Eber Salisbury, Beardsley Sanford, Thomas Bates and Leroy Newton, and their associates and successors, are hereby constituted a body corporate by the name of the Otselic Reservoir Company, for the purpose of completing the erection of a reservoir for improving the Otselic creek, for manufacturing and industrial interests by damming and flowing a certain marsh in the towns of Lebanon and Georgetown, in the county of Madison, known and distinguished as Fisk's marsh, the said marsh being now held by the persons above named under and by virtue of a lease from the rightful owner of the same for that purpose, and they are hereby invested with the corporate powers and functions hereinafter named.

Capital  
stock.

§ 2. The capital stock of the said company shall consist of ten thousand dollars, to be divided into one hundred shares of one hundred dollars each.

Affairs,  
how man-  
aged.

§ 3. The direction, management and control of the affairs and property of said company shall be vested in the persons named in the first section of this act and their successors, subject to such by-laws and regulations as the directors of the company may from time to time adopt.

§ 4. The directors for the first year shall be the persons named in the first section of this act, and they shall elect from among the said directors a treasurer and secretary, and the said directors and treasurer and secretary shall respectively hold their said offices until their successors are duly elected as provided in the next section.

First directors.

Officers.

§ 5. A meeting of the stockholders of said corporation shall be held on the third Tuesday of December, eighteen hundred and seventy-two, and annually in each year thereafter, at the office of the secretary of the company, for the election of directors of said corporation.

Meetings.

§ 6. It shall be lawful for the directors of said company to make such assessments as may from time to time seem necessary to them, upon the stockholders of said company, in proportion the number of shares respectively held by them, to complete the dam for flowing the said marsh and premises now held by lease as in this act described, and to collect the same in the name of the said company or the said board of directors, and for that purpose may institute proceedings in any court of this State having competent jurisdiction of the same.

Assessments to complete dam.

§ 7. This act shall take effect immediately.

## Chap. 548.

AN ACT to incorporate "The National American University of Music and other liberal Arts" in the city of New York.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Andrew J. Graham, Orrin R. Gross, Dexter A. Hawkins, James A. Ferguson, George Kellogg, Henry S. Drayton, A. L. Chamberlain, Emmons Hamlin, Charles Hickman, Henry S. Moore, Ole P. H. Balling, John Jay Watson and James D. Reymert, and their associates and successors shall be and they are hereby constituted a body corporate and politic, under the name and style of the "National American Univer-

Corporators.

Corporate name.

sity of Music and other liberal Arts," to be located in the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any court in this State.

Objects  
and pur-  
poses.

§ 2. The objects and purposes of the corporation hereby created and the general business thereof shall be to establish, organize and conduct an assemblage of national schools with professors for teaching students the liberal arts of music, sculpture, painting, design, graphics and other branches of the liberal arts, together with such physical and mental exercises as may be auxiliary to the same.

May hold  
necessary  
real  
estate.

§ 3. The real estate which it shall be lawful for the said corporation to hold and convey, shall be such as may be requisite for its accommodation and support, and for the convenient transaction of its business, not to exceed in value one million of dollars.

Not to  
deal in  
goods,  
wares,  
etc.

§ 4. The said corporation shall not directly or indirectly deal or trade in any goods, wares or merchandise whatever, except such personal property as shall be requisite for its accommodation for the convenient transaction of its business and the disposal of its works, productions and materials of art.

Trustees  
to man-  
age  
affairs.

§ 5. The business of said corporation shall be managed and directed by a board of thirteen trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit.

Not to  
receive  
any  
salary.

§ 6. The trustees of said association shall not, directly or indirectly, receive any salary or compensation for their services.

Quorum.

§ 7. Seven of said trustees, of whom the president, or, in his absence, one of the vice-presidents, shall be one, shall constitute a quorum for the transaction of business, and the affirmative vote of at least seven members of the board shall be requisite to make any order for, or to give authority to make, any investment of money, or to sell or transfer any stock or security belonging to the corporation, or for the appointment of any officer receiving a salary therefrom.

Capital  
stock.

§ 8. The capital stock of this corporation shall be one hundred thousand dollars divided in shares of twenty-five dollars each. At each meeting of stock-



holders each share shall be entitled to cast one vote. The board of trustees may increase the capital stock to not exceeding five hundred thousand dollars, provided the stockholders at any meeting shall, when that is named in the call, by a majority of all the shares in writing, vote for such increase.

§ 9. The persons named in the first section of this act shall be the first trustees of said corporation, and shall respectively hold their office for one year, and until their successors shall be elected and qualified, as hereinafter provided. The said board of trustees shall be divided into three classes, of which the first class, consisting of four trustees, shall go out of office at the end of the first year; and the second class, consisting of four trustees, shall go out of office at the end of the second year; and the third class, consisting of five trustees, shall go out of office at the end of the third year. At the annual election of officers each year, the stockholders shall select, by ballot, trustees to fill all vacancies in the board of trustees, and the offices of the trustees whose term of office shall then expire.

First  
trustees.

Trustees  
to be  
classified.

When  
to be  
elected.

§ 10. The annual election of officers and trustees shall be held at New York, on the third Thursday of January in each year, and public notice thereof shall be given in two daily newspapers in the city of New York for two weeks preceding such election.

Annual  
election,  
when to  
be held.

§ 11. All vacancies by death, resignation or otherwise, in the office of trustee, shall be filled until the next annual election of officers and trustees, by the board of trustees, by ballot, without unnecessary delay; and a majority of all the members of the board shall be necessary for the election of any trustee. The board of trustees shall hold a regular meeting at least once in every month, and no special meetings shall be held except upon notice to each trustee in writing, which notice shall specify the objects and purposes of such special meeting, and no other business shall be transacted at such meeting except such as is specified in such notice.

Vacancies,  
how  
filled.

Meetings.

§ 12. At such regular monthly meeting the board shall receive reports from the professors and officers as to the business and the affairs of the corporation, and transact such business as may be necessary; and any

To receive  
reports,  
etc., at  
meetings.

trustee omitting to attend the regular meetings of the board for three successive months may thereupon, at the option of said board, be considered as having vacated his place, and a successor may be elected by the board to fill the vacancy thus created until the next annual election.

Supreme Court may remove trustee. By-laws, etc.

§ 13. The Supreme Court may at any time, for due cause, remove any trustee on proper notice to him, and affording him an opportunity to be heard in his defense.

§ 14. The board of trustees of said corporation shall have power, from time to time, to make and establish such by-laws and rules, not inconsistent with this act, as they may judge proper for the management of their affairs, prescribing the duties and functions of their officers, regulating the conferring of degrees of scholarship and diplomas, the appointment of teachers, servants and employees, and fixing their compensation, and also for the publication of any of their works of art, or for public exhibitions, experiments or lectures, and generally for the transaction and management and direction of the affairs of the corporation.

Books to be open for inspection.

§ 15. The books of the corporation shall, at all times, be open to the inspection of any stockholder, under proper regulations by the board of trustees.

Annual report to Secretary of State.

§ 16. The corporation shall annually make a report to the Secretary of the State of New York, of its financial condition, the number of its pupils, teachers, classes, scholarships and degrees, together with the costs and expenses of education in the various branches of instruction.

§ 17. This act shall be a public act and take effect immediately.

## Chap. 549.

AN ACT to authorize the water commissioners of the city of Watertown to borrow money for the construction of a reservoir, and for other purposes.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The water commissioners of the city of Watertown are hereby authorized to borrow on the credit of the city of Watertown, in addition to the money they have heretofore borrowed, a sum of money not exceeding in amount twenty-five thousand dollars, in the manner hereinafter mentioned, which money shall be applied to the construction of a reservoir and on general construction account, under the direction of said water commissioners. The said sum of twenty-five thousand dollars may be borrowed, from time to time, as may become necessary for the purpose aforesaid. Such loans shall be on such terms of credit as said commissioners shall deem best for the interest of said city, and bearing a rate of interest not exceeding seven per cent.; and to secure said loan and loans, the said commissioners are authorized to make, execute and deliver bonds, certificates or other obligations, which shall be signed by them, or any three of them, which bonds, certificates or obligations shall be made payable in not less than five equal and yearly payments, and no installments shall be made payable before the year one thousand eight hundred and eighty-seven; and the said bonds and certificates or other obligations so executed and the interest thereon, shall be a valid subsisting liability against said city of Watertown, and the faith and credit of said city of Watertown, is pledged for the payment of the same; and the said money so borrowed shall be appropriated by said water commissioners as herein directed, and any violation of this provision shall be deemed a misdemeanor.

Water commissioners may borrow additional sum, not exceeding \$25,000, to construct reservoir, etc.

Terms of credit, etc.

Commissioners to issue bonds.

General  
provisions  
of law ap-  
plicable.

§ 2. The said commissioners, in exercise of the powers hereby granted, shall be subject to all the provisions of law relating to said commissioners as are not inconsistent with the provisions of this act.

§ 3. This act shall take effect immediately.

## Chap. 550.

AN ACT to encourage steam towage upon the canals of this State.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Portion of  
canal to  
be allotted  
for experi-  
menting  
with road  
steam  
towage.

SECTION 1. The Canal Commissioners are hereby authorized and directed to allot and set out to D. O. Williamson a distance on the Erie canal of not less than five miles, at such point as may be most convenient and suitable, for the purpose of experimenting with his road steam engine for the towage of boats, said experiments being made under the direction of said Commissioners.

§ 2. This act shall take effect immediately.

## Chap. 551.

AN ACT to amend an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Title two of an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows:

"TITLE II.

OF THE ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

"§ 1. The officers of said city shall consist of one mayor, one collector, one treasurer, one recorder, five water commissioners, two justices of the peace, and two constables, all of whom shall be elected by the city at large; a board of assessors to be composed of one assessor to be elected in each ward; two aldermen and one supervisor to be elected in each ward; one superintendent of streets, one marshal, one clerk, one sealer of weights and measures, and such other officers as are hereafter authorized, who shall be appointed as hereinafter provided, except that special police constables may be appointed by the mayor as hereinafter also provided. Also one chief engineer and three assistant engineers of the fire department, and four fire wardens who shall be elected as hereinafter provided.

City officers.

"§ 2. An election shall be held in each of the wards of said city on the first Tuesday of March succeeding the passage of this act, and on the first Tuesday of March in each year thereafter, for the election of city officers, and such other officers as may be prescribed by law.

Elections.

"§ 3. Public notice of all future elections under this act shall be given by the mayor and common council herein authorized to be elected, by notice to be published at least two weeks before the time of holding such future elections; and at such first and every subsequent annual election so to be held under this act, three inspectors of election shall be elected in each ward, or in each election district therein, as the case may be, in the manner prescribed by law. And in case the said common council shall, at any time, divide any ward in said city, into two or more election districts, as authorized by the Revised Statutes in that behalf, then there shall be elected at every annual charter election in such city three inspectors of election in and for each and every such election district; and the provisions of the law concerning elections, other than for militia and town officers, passed April fifth, eighteen hundred and

Notice of elections.

Inspectors of election.

forty-two, with the amendments and additions thereto, are hereby declared applicable to said city of Newburgh and to the elections to be held under this act, except so far as they may be inconsistent therewith.

Election districts.

"§ 4. The said wards, or such election districts therein as may be established by the common council of said city, shall constitute the election districts for all State, general and other elections to be held therein; and the inspectors chosen under this act shall be inspectors of all such elections, and shall possess the powers and discharge all the duties of such inspectors; and all provisions of law applicable to election districts, and to inspectors of elections therein, shall apply to said wards, districts and inspectors.

Qualifications of electors.

"§ 5. Every inhabitant residing in said city, who shall at the time and place of offering his vote be qualified to vote for member of assembly, shall be entitled to vote for all officers to be elected by virtue of this act in the ward or district where he shall be so qualified. But every elector shall have been a resident of the ward in which he shall offer his vote, at least thirty days before such election.

City clerk to give notice to inspect ors.

"§ 6. The city clerk shall give notice in writing of every election to be held under this act, to the inspectors of election of the several election districts in said city, at least one week before the day of election; and said inspectors shall proceed as provided by the general laws of the State in relation to elections other than in towns. They shall provide one ballot-box, to be marked "city." All the ballots used shall be indorsed "city," and shall contain the votes of the electors depositing them, for all the offices to be filled at the election, including the vote for trustees of common schools of said city.

Ballot-box to be marked and ballots to be indorsed "city."

Polls of election and canvass of votes.

"§ 7. The polls of the election in the several election districts, at the said city elections, shall be opened at eight o'clock in the morning of the day of election, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, when they shall be finally closed, and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and certify and declare the results, stating the number

of votes given for each person for each office, and shall file such statement or certificate on the same or next day with the city clerk, who shall forthwith notify the several aldermen elect of their election.

"§ 8. All the city officers elected as above provided, except justices of the peace and recorder, shall enter upon their respective offices on the Monday next following such election; the common council of the preceding year shall convene on that day at nine o'clock in the forenoon at their usual place of meeting, and the statement of votes filed with the city clerk by the inspectors of election shall be produced by the clerk. The common council shall forthwith ascertain, declare and certify, in the manner now provided by law, who is elected to the office of mayor; and shall also in the same manner ascertain, declare and certify who are duly elected at the said election to the various offices hereinbefore named; such certificates shall be made in duplicate, one of which shall be filed with the city clerk, and the other with the clerk of Orange county, and thereafter the said common council shall be dissolved; the mayor and aldermen elect shall thereupon take the oath of office prescribed by the constitution, and the common council shall be organized.

When term of city officers to commence.

Common council to certify result of election.

"§ 9. The city clerk, immediately upon the filing with him of the certificate specified in the last section, shall notify in writing every person so certified to have been elected, of his election; every person elected to any office under this act, before entering on the same, shall take the oath of office prescribed by the Constitution of this State, before the mayor or some officer authorized to take affidavits to be read in courts of justice, and file the same with the city clerk, except the mayor, justices of the peace and recorder, whose oath shall be filed with the clerk of Orange county; and every person so elected, except justices of the peace and the recorder, who shall refuse or neglect to take and file the said oath of office for ten days after personal notice in writing of his election from the clerk, shall forfeit twenty-five dollars to the use of the city, and be deemed to have declined the office.

City clerk to notify officers of election.

Official oath.

Penalty for refusal or neglect to take oath.

Term of  
office of  
justices  
and  
recorder,  
when to  
commence.

"§ 10. The term of office of the justices of the peace and the recorder to be elected under this act shall commence on the first day of January next ensuing their election, and each of such officers shall take the oath of office within ten days thereafter, and file the same as provided in the last section, or be deemed to have declined their offices, respectively, in like manner as in said section provided as to the other officers.

Term of  
office of  
recorder.

"§ 11. The recorder shall hold his office for the term of four years, and until his successor shall qualify and enter upon his office.

Of jus-  
tices,  
assessors,  
collector  
and treas-  
urer.

"§ 12. The justices of the peace to be elected under this act shall hold their offices for four years; the assessors, collector and treasurer elected thereunder shall be elected for three years.

Of mayor  
and alder-  
men.

"§ 13. The mayor and aldermen shall hold their offices respectively for the term of two years; at the first election under this act, and at each annual election thereafter, one alderman shall be elected for each ward.

Other  
officers.

"§ 14. All officers elected or appointed under this act, except mayor, aldermen, recorder, treasurer, justices of the peace, collector, assessors, chief engineer and assistant engineer and fire wardens, shall hold their offices for one year, and until their successors shall qualify; but officers elected or appointed under this act may be removed from office as hereinafter provided.

Vacancies.

"§ 15. If a vacancy shall happen in any elective office, the same shall be filled by appointment, as hereinafter provided, until the next annual election, at which time the residue of the term of office, if there be any unexpired, of the officer whose office shall have become vacant, shall be filled by some person to be elected to such office for the residue of such term, according to the provisions of this act.

Election  
of officers  
of the  
fire de-  
partment.

"§ 16. An election shall be held on the second Wednesday of April next after this act shall take effect, and on the second Wednesday of April in every third year thereafter, for the election of a chief engineer and three assistant engineers of the fire department, and also one fire warden for each ward, who shall respectively hold their offices for the term of three years, and until their successors are chosen and confirmed. All persons duly



enrolled as members of the engine, hook and ladder and hose companies of said city, who shall not have resigned, been removed or superseded, and no others, shall be entitled to vote at such elections. The first election shall be held at the houses of the respective companies, and the foreman and secretary of each company shall act as inspectors at said first election, and shall certify the vote of their respective companies to the common council. On receiving such certification of votes, the common council shall confirm as chief engineer, assistants and fire wardens, such persons as shall have respectively received the greatest number of all the votes cast at such election for said officers. The common council shall provide for the place of holding, the manner of conducting, returning the votes cast, and confirming the officers elected at all future elections for chief engineer, assistants and fire wardens. In case of a vacancy in the office of chief or assistant engineer, by reason of death, resignation or otherwise, the said vacancy shall be filled by a special election, to be ordered by the common council, after a notice of once a week for two weeks, by publication of the same in two of the newspapers of the city, and to be conducted in the same manner as may be prescribed by said common council for the regular election of said officers; and any person so elected to fill a vacancy shall hold his office until the next regular election for chief engineer and assistants. In case of a vacancy in the office of fire warden, the said vacancy shall be filled by appointment made by the mayor and common council, in the same manner as hereinafter provided, in case of death or resignation of any officer of said city. The officers in this section named shall be subject to suspension and removal for cause pursuant to the provisions of this act.

Voters.

Duty of  
common  
council as  
to such  
election.Vacan-  
cies.Officers  
may be  
removed  
for cause.

“§ 17. No property qualifications shall be required to hold any office under this act; but every person elected or appointed to any office created hereby shall be an elector and a resident of the city; and no person shall be elected an alderman or supervisor of any ward unless he shall also be at the time of such election a resident of such ward; and if such officer shall remove out of

Qualifi-  
cations to  
hold  
office.

said ward during his term of office, he shall be deemed thereby to have vacated his office; and the removal from the city of any officer elected or appointed under this act shall render the office held by him vacant from the time of such removal.

Officers to  
be ap-  
pointed by  
common  
council  
and  
mayor.

"§ 18. At the first regular meeting of the common council after their organization, subsequent to the annual election provided in this act, or at some subsequent meeting, and as soon after such election as may be, the common council shall appoint a city clerk; and the mayor, with consent and approval of the common council, shall appoint one superintendent of streets, one corporation counsel, one city engineer and surveyor, one marshal, and one sealer of weights and measures, who shall respectively hold their offices for one year, in the manner provided in this act. The mayor, with the consent and approval of the common council, shall have power to appoint, at any time he may consider the same necessary for the public interests, deputy superintendents of streets, not exceeding three in number, who shall hold their offices at the pleasure of the said mayor and common council; and the said common council shall prescribe the powers and duties of all the officers mentioned in this section, and regulate their salaries or compensation, except where the same may be fixed by this act. The officers to be annually appointed as aforesaid shall continue in office until their successors have been appointed and duly qualified.

Official  
bond of  
collector.

"§ 19. Every person elected or appointed collector under this act, before he enters upon the duties of his office, and within ten days after being notified of the amount at which the common council have fixed the penalty of his bond, shall execute to the city of Newburgh a bond, with two or more sureties, to be approved by the common council, in such penalty as such council shall have directed, conditioned for the faithful performance of his duties as collector, and that he will account for and pay over all moneys received and collected by him at any time, under the warrant or authority of the city, to the treasurer or other proper officer appointed to receive the same. If the common council shall approve of the form and execution of said

bond and the sureties thereto, they shall cause such approval to be indorsed thereon. Before any warrant to collect county taxes shall be delivered to said collector, he shall execute a bond of the penalty and in the manner with the sureties and of the condition required by law of town collectors. The said bond shall be executed and delivered to the supervisors of the city, and shall be approved by a majority of them.

"§ 20. Both said bonds shall, after their execution and approval, be filed with the clerk of Orange county; and every such bond shall be entered by said clerk, and shall be a lien on the real estate of the collector and his sureties, in the manner and to the same extent as now provided by law in the case of bonds of town collectors; and in case of any breach of the condition of said bonds, suits may be maintained thereon by the city of Newburgh upon any bond given for the collection of city taxes, and by the supervisors of said city, or their successors in office, upon any bond given for the collection of the county tax, as aforesaid.

Bonds to be filed and to be liens on real estate.

"§ 21. Such collector and his sureties shall also be liable to the same proceedings, to enforce the payment of money collected by virtue of any warrant issued by the supervisors of the county, as are provided by law in respect to town collectors and their sureties.

Further liability of collector and his sureties.

"§ 22. The treasurer, recorder, justices of the peace, superintendent of streets, and such other officers as may be required thereto by the common council, shall severally, before they enter upon their offices, execute and file with the clerk (except the clerk, whose bond shall be filed with the mayor) a bond to the city of Newburgh, in such sum as the council shall direct, and with such sureties as the mayor shall approve, conditioned that they will faithfully discharge the duties of their respective offices, and pay over all moneys received by them, respectively.

Other officers to give bonds.

"§ 23. Every person elected to the office of constable in said city shall, before he enters on the duties of his office, execute, with two sureties to be approved by the mayor, an instrument in writing, which shall be acknowledged by all the parties in the manner that deeds are required to be acknowledged by law, and filed with the

Constables' bonds.

city clerk, and by which said constable and his sureties shall jointly and severally agree to pay, to each and every person who may be entitled thereto, all such sums of money as said constable may become liable to pay by reason or on account of any execution, or other precept, which shall have been delivered to him for collection. All actions on any such instrument shall be prosecuted before the expiration of two years after the expiration of the year for which such constable shall have been elected or appointed, and may be brought in the name of the person or persons entitled to any money to be collected by virtue of said instrument. A copy of said instrument, certified by the clerk under the city seal, shall be presumptive evidence, in all courts, of the execution thereof by said constable and his sureties.

Limita-  
tion.

Evidence.

In case of  
failure to  
give bond,  
common  
council  
may  
declare  
office  
vacant.

"§ 24. If any officer who shall be required, by any of the provisions of this act, or by any ordinance of the common council, to execute any bond before or after entering upon the duties of his office shall fail to execute the same in the manner prescribed by this act, or by any such ordinance, within ten days after he shall have been duly notified to do so, the common council may declare his office vacant, and proceed to cause the same to be filled in the manner provided in this act in case of vacancies in office.

Members  
of com-  
mon coun-  
cil not to  
hold office  
or be in-  
terested  
in city  
contracts.

"§ 25. No member of the common council shall be appointed to fill any office by the common council; nor shall any alderman, or the mayor, be in any manner, directly or indirectly, interested in any contract or work to which the city shall be a party; and any such contract, in which any such officers shall be or become interested, shall thereby and thereupon be and become void.

Penalty  
for non-  
delivery of  
books,  
etc., to  
successor  
in office.

"§ 26. If any person, having been in office in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects, of every description, in his possession or under his control belonging to said city or appertaining to the office so held, he shall forfeit and pay to the use of the said city five hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

"§ 27. All the elective officers in the city of Newburgh, in office at the time this act takes effect, shall hold their offices for the terms for which they shall, respectively, have been elected, and the vacancies hereafter occurring in their respective offices shall be filled in the manner in this act provided."

Terms of  
office of  
present  
officers.

§ 2. Title three of an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows:

### "TITLE III.

#### "OF THE COMMON COUNCIL.

"SECTION 1. The legislative power of the corporation shall be vested in a board of aldermen, who shall form the common council of said city; and the aldermen elect shall meet annually on the first Tuesday next after the annual election in each year, and at such other times as hereinafter provided, at the common council rooms of said city. At such annual meeting the aldermen shall elect a president from their own number, who shall preside at the meetings of the board, and shall be vested with the general powers of a presiding officer, except that, in the year eighteen hundred and seventy-two, such president shall be elected within ten days after the passage of this act, said aldermen shall, in the absence of the president, choose a president for the time being; appoint their time and place of meeting, may punish or expel a member for disorderly conduct, or declare his seat vacated, by reason of absence, providing such absence be continued for the space of three months. But no expulsion or vacation of office shall take place, except by a concurrent vote of two-thirds of all the members elected, nor until the delinquent member shall have an opportunity, after proper notice, to be heard in his defense.

Legisla-  
tive  
power.

Annual  
meeting  
of alder-  
men.

President  
of com-  
mon  
council.

President  
pro tem.

Removal  
from  
office.

"§ 2. In the proceedings of the common council each member present shall have a vote, including presiding officer.

"§ 3. The sittings of the common council shall be public, except when the public interests shall require

Meetings  
to be  
public.

secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times to public inspection.

Quorum.

"§ 4. A majority of the common council shall constitute a quorum for the transaction of any business, but a smaller number may adjourn from time to time, and compel the attendance of absent members; but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the aldermen elected and in office; nor shall any resolution or ordinance be adopted or be binding on said city, which shall have for its object the appropriation or payment of money from the treasury of said city, or the creating of any debt or obligation, unless the same has been passed by the concurring vote of a majority of all the aldermen elected and in office; and the votes taken on the passage of any such ordinance or resolution shall, in all cases, be taken by yeas and noes, and entered on the minutes of the common council; and no debt or obligation shall be created against said city except by ordinance or resolution of said common council, specifying the amount and object of such expenditure. Whenever any matter or subject shall be referred to any committee of the common council, which may involve the payment of money from the city treasury, or any matter or order which may involve the taxation or assessment of any citizen or citizens of said city, or the expenditure of any money on the part of such citizen or citizens, such committee shall report thereon to said common council for their action before any such expenditure, order, taxation or assessment shall be made or take effect.

Vote on resolutions appropriating money to be taken by yeas and noes.

Meetings of common council.

"§ 5. The common council shall hold stated meetings at least once in each month, and the mayor, or, in his absence, any three aldermen, may call special meetings, by notice in writing served personally upon the other members of the council, or left at their usual place of abode.

General powers of

"§ 6. The common council shall determine the rules of its own proceedings, and be judges of the election and qualifications of its own members, and have power to compel the attendance of absent members from time

to time; to prescribe the duties of all the officers and persons appointed by them or by the mayor, with their consent, to any office or place whatever, subject to the provisions of this act; to revoke or cause to be revoked any license given under this act, and to remove all officers and persons appointed by them or by the mayor, with the consent of the common council, for any neglect of duty or misconduct, as hereinafter provided.

"§ 7. The common council, or any committee thereof, shall have power to issue a summons to any person to appear and testify before them, in respect to any matter pending before or referred to them. Such summons may be served at any place within the county of Orange, in the same manner as subpoenas for witnesses in criminal cases. Any person who shall refuse to attend in obedience to any such summons may be arrested by an order or attachment, which may be issued by the mayor or recorder upon proof of the service of such summons and of such refusal, and committed to the county jail or other proper place of detention, until he shall appear and testify as required. Such witness so refusing to attend may also be fined and imprisoned for disobedience of such summons, by the mayor or recorder, in the same manner and to the same extent as witnesses refusing to attend in obedience to a subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness before said common council, or any committee thereof, shall refuse to be sworn or affirmed, or to answer any pertinent and proper questions, the mayor or presiding officer of said council, or the chairman of said committee, may forthwith commit such person to the county jail or other proper place of detention, for a period not exceeding twenty days, or until he shall be sworn or affirmed, or answer such questions. Such commitment shall be made by warrant, directed to the sheriff of the county or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement, as directed thereby.

Common council, or a committee thereof, may issue summons to persons to appear and testify.

Proceedings in case of refusal to appear or testify.

"§ 8. All accounts and claims against the said city, and all accounts and claims for services rendered or moneys expended by any officer within said city, which

Auditing accounts.

would be charges and accounts against a town: if they were rendered and expended by the officers thereof, shall be presented to the common council, and the same shall be referred to a standing committee of said common council, to be composed of one member from each ward, to be called "committee on auditing accounts." It shall be the duty of said committee to inquire and examine into said accounts, and they may send for persons and papers, and may examine the claimant on oath in respect thereto. The said committee shall report the matters referred to them to the common council, either favorably or adversely, with their reasons, and the said common council shall then hear, examine and determine the same as a board of town auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors.

Common council to have control of finances, etc., and make by-laws, etc.

To quell riots, etc.

Suppress gaming houses.

License exhibitions.

Suppress disorderly houses.

Remove nuisances.

"§ 9. The common council shall have the management and control of the finances and all property, real and personal, belonging to said corporation, and shall have the power within said city to make, establish, publish and modify, amend and repeal rules, regulations and by-laws for the following purposes:

"1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.

"2. To restrain and suppress disorderly and gaming houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within the said city.

"3. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions, or performances for money, within the bounds of the city; or, if the common council shall deem it advisable, to license the same upon such terms as the common council may direct.

"4. To suppress and restrain disorderly houses, or houses of ill-fame, and houses and places where intoxicating liquor is sold to be drunk, and to prohibit the sale of intoxicating liquors without license, or contrary to law.

"5. To determine the existence and direct the removal of a public nuisance in any part of the city; and



if the same be not removed in such time as the council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot upon which such nuisance may be, and to enforce the collection by leasing or selling the premises in the manner provided in this act for the collection of taxes or assessments, or by action against the owner of the lot or any other person who may have erected, suffered or maintained such nuisance; and in case of the neglect or refusal to abate any nuisance, the common council may impose a penalty therefor, and enforce the collection thereof, as prescribed in this act.

"6. To prohibit or regulate the keeping and conveying of gunpowder and other dangerous material, and the use of candles and lights in barns, stables and other buildings; also to prohibit or regulate the keeping and conveying of petroleum, earth or rock oil, benzole, benzine, naphtha, kerosene, camphene or burning fluid of any kind, and other dangerous material; and to provide for the inspection of the same by an inspector appointed by them; and in case of violation of the ordinances regulating the same, to provide for the forfeiture thereof, or for such penalties as by ordinance the common council may impose. The common council shall also have power to raze or demolish any building or erection which by reason of fire or any other cause may become dangerous to human life or health, or tend to extend conflagration.

To prevent fires.

"7. To prevent horse racing and immoderate driving in the streets of said city; to prohibit and punish the flying of kites and every other game, practice or amusement in the public streets, or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways or streets of the city, or to endanger property.

To prevent horse racing, etc.

"8. To prohibit, regulate and determine the places of bathing in the river, streams and ponds within said city, or adjacent thereto; to repair and regulate the wharves, piers and slips owned by the city, and direct the affairs thereof.

To regulate bathing.

"9. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

Vagrants.

- Pounds.** "10. To establish and regulate public pounds, and to appoint all necessary pound-masters, and prescribe their duties.
- Swine, etc., running at large.** "11. To restrain the running at large of cattle, horses, swine, sheep, goats and fowls, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of keeping and proceedings.
- Ringling of bells, etc.** "12. To prevent or regulate the ringing or tolling of bells, blowing of horns, or crying of goods or wares, firing of guns, powder, or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the city, or the sale and use of fire-crackers, rockets, squibs or other explosive compounds.
- Dogs.** "13. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance, and to regulate and restrain their running at large.
- Record of marriages, etc.** "14. To direct the keeping and returning of accurate records of marriages and births in said city, and the keeping and returning of bills of mortality.
- Fire engines, etc.** "15. To regulate and keep in repair the fire engines, hose carts, hose and hooks and ladders belonging to the said city and the public buildings of said city.
- Sale of fish, etc.** "16. To regulate the sale of fish, meats and vegetables within said city; to regulate or prohibit the making or keeping of markets for the sale of meat or fish, except at such places as the common council shall designate, and to regulate or prohibit the erection, keeping or using of slaughter-houses within the said city.
- Public lamps.** "17. Concerning the lighting of the said city, and the protection and safety of the public lamps; to assess and collect from the real and personal estate within the lamp districts, the amount required under the provisions of this act.
- Peddling.** "18. To regulate and restrain hawking and peddling on the streets; and to establish the assize bread and regulate the sale thereof.
- Auctioneers, cabs, etc.** "19. To license and regulate auctioneers, carriers, teamsters, porters, cabmen, the drivers of hackney

coaches, stages or omnibuses, for the transportation of passengers within the city, and to prohibit unlicensed persons from acting in either of such capacities, to fix their rates of compensation, and to require them to have license, and to fix amounts to be paid therefor.

"20. To regulate runners, stage drivers, and others, in soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad or steamboat, or to go to any hotel or otherwise.

Stage drivers, etc.

"21. To regulate, restrain or prevent the unnecessary obstruction of streets by locomotives and other cars, and to regulate the speed of locomotives and other cars in said city; and also to prevent the obstruction of crosswalks by carts, wagons, teams or otherwise, and to impose penalties therefor.

Obstruction of streets by cars, etc.

"22. To fix the amount of, and decide upon, the sufficiency of the sureties on the official bond of the treasurer, recorder, justices of the peace, collector, superintendent of streets, and other officers from whom they may require surety, and to require additional surety from any such officer when they may deem it necessary, and to suspend him until it is given."

Official bond.

"23. To require the owners or occupants of lots upon the streets of said city, to inclose the same by suitable fences or railings, as the common council may deem necessary for the protection of the public.

Fences, etc.

"24. To regulate the burial of the dead; to protect public cemeteries and to restrict and prevent the extension of their limits, and to prevent the burial of the dead within the limits of the city, whenever the common council shall deem it necessary.

Burial of the dead.

"25. To plant, direct and regulate the planting of shade and ornamental trees along the streets and sidewalks of said city, and to prevent the injury and defacement of fences, posts and buildings, in said city.

Ornamental trees.

"26. To cause buildings and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof; to make such expense or removal a lien on the lot on which such building or structures may be situated, and to issue warrant against any such owner or occupant to collect

Encroachments on streets.

the necessary expenses of such removal as assessments and taxes are collected.

Building materials on streets.

"27. To permit building material to be deposited on the streets in front of any lot, to such extent and for such time as they may prescribe.

Name of streets.

"28. To give names to streets and numbers to the lots and tenements, and to change the names of streets on the petition of a majority of land owners on the same.

Employ counsel.

"29. To employ an attorney and counsel when the business of the board requires him, and to pay them a reasonable compensation.

Receive gifts.

"30. To receive, in the name of the city of Newburgh, the title to real or personal property by gift.

Arrests.

"31. To authorize and empower the police constables of said city to arrest all persons violating the ordinances, by-laws or police regulations of the city where such violations are committed in the presence of such police constables.

General powers.

"32. To do all such acts and make all such ordinances as shall be necessary to carry into effect any general power, or discharge any duty conferred or imposed by this act, although such acts or ordinances may not be specially enumerated therein.

"33. To prevent the leaving of horses standing in the public streets of the city loose and unattended.

Commissioners of deeds.

"34. The common council shall appoint such number of persons as commissioners of deeds as they may deem proper, who shall continue in office for the term of two years, and may discharge the duties thereof at any place within the county of Orange.

Survey and maps to be made.

"§ 10. It shall be the duty of the common council, at as early a day as practicable to cause a survey to be made of all the real estate within the bounds of the city limits, and maps made thereof, with the proper subdivisions of wards, districts, blocks, lots and streets, defining thereon the number of each ward, district, block and lot, as well as the owner's name of each lot thereon; and also to place and define on said maps the precise location of each hydrant, main water-pipe, drain, sewer and street lamp. Said maps shall be filed in the office of the clerk of said common council, and are to

be free for the inspection of the citizens of the city, but in no case to be removed therefrom.

§ 11. The common council shall have power to enforce observance of all provisions of this act, by ordaining penalties to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offense, to be recovered, with costs, in a civil action in any court having cognizance thereof, or to remit the same or any part thereof. But nothing herein contained shall be deemed to prohibit or forbid the sale, without suit, of animals distrained or impounded, according to the provisions of this act, for the penalties incurred or the costs of keeping and proceedings, nor the forfeiture or destruction of property determined or adjudged to be a nuisance, nor the sale of property for assessments or other purposes, as provided in this act. Every ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, take effect at such time as the common council shall direct, and shall be published at least two weeks successively in two of the public newspapers printed and published in said city.

Common council may ordain penalties.

Ordinances to be published.

§ 12. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or police regulations made in pursuance of it, shall be brought in the name of the city; but no such action shall be commenced before a justice of the peace or recorder except by the order, direction or request of the mayor or an alderman. Such actions shall be commenced in the same manner as other actions are commenced before justices of the peace of towns, except that whenever it shall be made to appear to the justice or recorder, to whom application is made for process, by the oath or affidavit of any person, that any ordinance has been violated by the person against whom process is applied for, the said justice or recorder may issue a warrant at the commencement of such action, directed to any constable or police constable of said city, commanding him to apprehend such person and bring him before such justice or recorder to answer the complaint of said city in a civil action for the violation of such ordinance. No affidavit or bond shall be required to

Actions for penalties, etc., how brought.

No affidavit and bond required of city on issuing short summons.

Examination of witnesses as to violation of ordinances.

Proceedings on return of warrant.

Execution on judgment for penalties.

authorize the issuing of any short summons or civil warrants in behalf of said city, except that, in actions for violations of ordinances, the affidavit or oath above provided for shall be required before issuing a warrant. Any person may be summoned to appear forthwith, or at a specified time, before such justice or recorder to make affidavit, or be sworn or examined, as he may elect, on such application for a warrant, in relation to his knowledge of the violation of such ordinance. Such examination shall be reduced to writing by the justice or recorder, and filed or kept with the process and proceedings in the case, and all affidavits made in such case, shall be so filed or kept by the justice or recorder, with the process, pleadings and proceedings in the case. No witness so summoned to appear and make affidavit, or be examined on application for such process shall be entitled to any fee or compensation for such attendance or examination; and for a failure so to attend, or be sworn and examined, such witness shall be liable to the same penalty and may be punished in the same manner as witnesses who refuse to appear when duly subpoenaed, or to be sworn or testify on trials in other actions before justices of the peace. On the return of such warrant the justice or recorder shall proceed in the same manner, and the same proceedings shall be had, and adjournments shall be granted in the same manner, for the same time, and on the same terms, as provided by statute, on the return of a civil warrant in other actions before justices of peace; and the third, fourth, fifth, sixth, seventh and eighth articles of title fourth, chapter two, part third of the Revised Statutes, in regard to the appearance, joining of issue, adjournment, and compelling the attendance of witnesses, trials, and the entry and docketing of judgments; so far as the same are applicable, shall apply to and govern the proceedings in such actions so commenced by warrants as aforesaid. In case of the recovery of judgment against any defendant in any action for the recovery of a penalty or forfeiture, as provided in this section, execution may be issued thereon immediately; which execution shall be directed to any constable of said city, and shall otherwise be in the same form and issue in the same manner as other executions.

are required by statute to be issued by justices of the peace on judgments in other actions for torts or wrongs. In case a defendant shall be arrested and taken or committed to jail on such execution, he shall not be entitled to the jail limits; but he shall not be imprisoned on such execution for more than thirty days. If, however, he shall be discharged from imprisonment without paying the judgment, the said judgment, or so much thereof as shall remain unpaid, may thereafter be collected of any property the defendant may have, the same as if the defendant had not been imprisoned. All expenses incurred in prosecutions for the recovery of penalties or forfeitures, shall be defrayed by the corporation, and all penalties and forfeitures when collected, shall be paid to the treasurer for the use of said city.

Defendant  
not entitled  
to jail  
limits.

"§ 13. Any judgment rendered in any such action may be removed by appeal by either party to the county court of the county of Orange, in the same manner and upon the same terms that appeals are taken to county courts from judgments rendered by justices of the peace in towns, except that when such appeal is brought by the city no bond shall be required to be executed by or on behalf of the city to stay execution, but on perfecting the appeal, proceedings shall be stayed. Every such appeal in behalf of the city shall be sued out and prosecuted under the direction of the common council.

Appeal to  
county  
court.

"§ 14. The entries in the book of by-laws, journals and minutes of the common council and the board of health, or certified or sworn copies thereof, shall be presumptive evidence in all courts and places of the matters of fact therein stated, and the certificate of the clerk shall be sufficient evidence of the authenticity of such journals and minutes, and book of by-laws and copies. Such certificate of the clerk to a copy shall show that he has compared such copy with the original on file or on record in his office, and that the same is a correct copy or transcript thereof or therefrom, and of the whole of such original; and every ordinance, resolution or by-law of the common council may be read in evidence in all courts and legal proceedings from the volume of ordinances published, or to be published, by

Evidence.

order of the common council, without any other proof of the passage or publication thereof; but such publication shall be only presumptive evidence that the same has been duly published in the corporation newspapers, as required by this act.

Laws and ordinances, resolutions appropriating money, opening streets, etc., to be presented to mayor.

Mayor may veto same.

Two-third vote required to pass same over veto.

Common council may impeach mayor.

Penalty for bribing or

"§ 15. Every law or ordinance and every resolution of the common council involving the raising, payment or expenditure of money, or involving the laying out, opening, altering, widening, extending, contracting or discontinuing any street, lane or highway, or the grading, curbing, flagging, leveling or paving any street, lane or highway, or constructing or rebuilding any sewer, aqueduct or bridge, or repairing of any wharf, shall, before it takes effect, be presented to the mayor, duly certified by the clerk of the common council. If he approves of it he shall sign it; if not, he shall return it, with his objections, and file the same with the clerk of the common council within ten days after he received it; the said board shall, at its first regular meeting thereafter, enter the objections at length on its journal; and at the next regular meeting thereafter of said common council, if two-thirds of all the members elected shall then agree to and do pass the same, it shall take effect as a law, ordinance or resolution; but in every such case the vote shall be taken by ayes and noes and entered on the journal. And if such law, ordinance or resolution shall not be returned by the mayor within ten days after he has received it, it shall take effect in like manner as if he had signed it. But no such law, ordinance or resolution shall take effect, in any sense, until the day following the next regular meeting of the board after the passage of the same, except by the unanimous consent of the board, in which case it shall take effect at the time specified in said unanimous consent.

"§ 16. The common council shall have the power of impeachment of the mayor by resolution passed by the concurrent vote of three-fourths of all the members elected. The court for the trial of impeachments shall be the Supreme Court in and for the second judicial department.

"§ 17. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised,



offered or given, or furnish, or agree to furnish, in whole or in part, to be promised, offered or given, to any member of the common council, or any other officer of the city of Newburgh, after his election or appointment as such member or officer, any moneys, goods, right in action or other property, or any thing of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding one year, or shall be fined not exceeding one thousand dollars, or both, in the discretion of the court. Any member of the common council, or other officer of the city of Newburgh, who shall accept any such gift or promise, or who shall agree to accept the same, under any agreement or understanding, that his vote, opinion, judgment or action shall be influenced thereby, in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction therefor, forfeit his office and be disqualified from holding any public office, trust or appointment under the city of Newburgh, and shall, in addition thereto, be punished by imprisonment in a penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury, or in any court, in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

offering to  
bribe  
member of  
common  
council or  
other  
officer.

Penalty  
for re-  
ceiving or  
agreeing  
to accept  
bribe.

Persons  
offending,  
compe-  
tent wit-  
nesses  
against  
each  
other.

"§ 18. Any officer appointed or elected under this act may resign his office by giving at least one week's notice in writing of his intention so to do to the city clerk. Any officer appointed or elected under this act, except mayor and aldermen, who shall fail to discharge the duties of his office for the space of one month, shall,

Resig-  
nations.

unless excused by the common council, be deemed to have resigned his office.

Penalty  
for not  
delivering  
books and  
property  
to suc-  
cessor in  
office.

"§ 19. If any person having been an officer of said city shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such time thereafter as the common council may allow, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered by the city, with costs.

Penalty  
for embez-  
zling city  
property.

"§ 20. If any officer elected or appointed under this act, or any clerk, deputy or assistant of such officer, shall embezzle or convert to his own use, or take, make away with, or secrete with intent to embezzle or convert to his own use, any money, goods, rights in action or other valuable security of goods belonging to said city, which shall have come into his possession, or under his care or control by virtue of such office or position, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the property so embezzled, taken or secreted, or of the value of any sum of money payable upon any right of action so embezzled.

When  
additional  
allow-  
ances for  
services,  
etc., to be  
made.

"§ 21. No additional allowance beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be allowed except by the unanimous vote of the common council, approved by the mayor.

Bids not  
to be  
accepted  
from de-  
faulters to  
city

"§ 22. No bid shall be accepted from, or contract awarded to, any person who is in arrears to the corporation upon debt or contract, or who is a defaulter upon any obligation to the corporation.

Security  
required  
from  
bidders.

"§ 23. No bid shall be received by the common council for any work ordered by them, unless the person or persons offering such bid shall, at the time of such offer, deposit with the mayor of the city of Newburgh such sum of money as may be specified by the common council at the time such work shall be ordered, of not less than twenty-five dollars or more than five

hundred dollars; and in case the contract shall be awarded to any such bidder making such deposit, and he shall refuse to take and enter into said contract and give the required security, the sum so deposited shall be forfeited to the said city of Newburgh; and in case such contract shall not be awarded to any such bidder, such deposit shall be returned to him.

“§ 24. No law, ordinance, by-law or regulation, shall be rescinded or repealed, unless by a two-third vote of all the members elected to the common council.”

Two-third  
vote re-  
quired to  
repeal  
ordi-  
nances.

§ 3. Title four of the act entitled “An act to incorporate the city of Newburgh,” passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows:

#### “TITLE IV.

##### “OF THE POWERS AND DUTIES OF THE CITY OFFICERS, AND GENERAL POWERS AND DUTIES.

“SECTION 1. The mayor shall be the chief executive officer of the corporation. He shall have his office open daily for the transaction of business. He shall sign all deeds and contracts made and entered into by the city, and shall affix thereto the city seal, which shall be in his custody. Whenever there shall be a vacancy in the office of mayor, or whenever, by sickness, absence from the city, or other cause, the mayor shall be prevented from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor during such disability, or, in case of a vacancy, then until the next charter election; and in case of the death, resignation, or removal from office or from the city, of the mayor, the said president of the board of aldermen thus acting in the capacity of mayor, shall be entitled to receive for services thus performed as mayor, a salary at the rate of eight hundred dollars per annum. Whenever there is a vacancy in the office of mayor, there shall be an election for mayor at the next charter election, and the person thus elected shall hold for the remainder of the term of the person in whose place he was elected. It shall be the right and duty of the mayor:

Mayor to  
be chief  
executive  
officer.

President  
of com-  
mon coun-  
cil to act  
in case of  
absence,  
etc., of  
mayor.

Vacancy,  
how filled.

Mayor to make statement to common council. "1. To communicate to the common council at least once a year, a general statement of the finances as he shall deem expedient.

To command police and firemen. "2. To call out and command the police and firemen, as their head, whenever in his discretion he shall deem an emergency so requires, and such command shall be in all respects obeyed.

To cause laws to be executed. "3. To be vigilant and active in causing the ordinances of the city, and the laws of the State to be executed and enforced within said city, and for that purpose he may call together, for consultation and co-operation, all other heads of the city affairs and departments.

To preside at annual meeting of common council, etc. "4. To preside at the annual meeting of the common council, administer the oath of office to the aldermen elect, and preside until the president of the common council is elected; and when the common council is organized by the election of a president, the mayor shall annually, and as much oftener as he may deem proper, communicate thereto his views and recommendations, with reference to the city government.

To suspend officers and report same to common council. "5. To suspend, for cause, any officer appointed by said common council, or any officer, appointee or employee of said city. Whenever any officer, appointee or employee of said city is suspended by the mayor, he shall give written notice thereof to the common council, as hereinafter required; and the said common council may appoint a committee of investigation thereof, which committee shall have power to send for persons and papers, to issue subpoenas for witnesses and compel their attendance, and by its chairman to administer oaths and to fully investigate the same; and the said common council may, in its discretion, restore or dismiss said officer or employee, and declare his office, appointment or employment vacant and terminated; and, in case of dismissal, such office and position shall become and be vacant, and shall be filled by the mayor, as in case of vacancy by death or resignation. The mayor shall fill, by appointment by and with the concurrence of the common council, until the next charter election, any vacancy in any city office which may occur

Power of investigating committee.

Vacancies in office to be filled by mayor.

by death or resignation of any city officer, whether elected or appointed.

"6. In case he deems it necessary he may appoint any person or persons to perform the duties, or continue and take charge of the official affairs of the officer suspended, until the matter of such suspension shall be investigated and determined.

Temporary appointments in place of suspended officers

"7. He shall report in writing such suspension to the common council at its next meeting thereafter, stating therein the grounds of such suspension together with such recommendations as he may deem proper.

"8. To have power at all times to examine the books, vouchers, papers of any department, officer or employee of said city, and to summon and examine under oath any person connected therewith.

May examine books, etc., of other officers.

"§ 2. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereunto appointed, to arrest or cause to be arrested all persons committing any felony or felonies, and all persons violating the laws of the State, or the ordinances, by-laws or police regulations of the city, when such violations are committed in his presence; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order, and to perform or assist in performing all such duties as are by this act enjoined upon the aldermen of the said city separately, or upon the common council thereof.

Duty of aldermen.

To act as peace officers.

"§ 3. The supervisors and collector provided for by this act shall have the same powers and duties as supervisors and collectors in any town in the county of Orange, except as otherwise provided in this act, and the said supervisors shall be members of the board of supervisors of the county of Orange. The supervisors shall receive the compensation allowed by law, in the same manner as other supervisors of towns; but such compensation for each supervisor shall not exceed the sum of two hundred and fifty dollars in any one year.

Powers and duties of supervisors and collector.

Compensation of supervisor.

"§ 4. The city shall be regarded as a town under the provisions of the fourth title of the seventh chapter of the third part of the Revised Statutes respecting the

City regarded as a town for return of jurors.

return of jurors; and the supervisors and the clerk of said city shall perform the duties therefor, as enjoined upon the supervisors, assessors, and town clerks of the several towns of the State, except that a duplicate of the return of jurors made by them shall be filed in the office of the clerk of the city. Each ward of the city shall be regarded as a town under the fourth title of the eleventh chapter of the first part of the Revised Statutes; and the supervisors and aldermen of each ward shall be fence viewers, and shall possess all the powers and authority in respect to division fences or walls in their wards which are given by the said article to town fence viewers with respect to division fences.

Each ward a town under fourth title, chapter 11, first R. S.

Terms of office of assessors.

Compensation.

General powers.

To make assessment roll for ward from which elected.

Notice to be published in two newspapers.

Review of assessment.

“§ 5. The board of assessors elected in the city of Newburgh, as herein provided, shall hold their office for three years, and shall perform the duties hereinafter specified in relation to the assessment of property within the city as well for the purpose of levying the taxes imposed by the supervisors of the county of Orange, as by the common council of the city of Newburgh. Each assessor shall receive for compensation for all services to be rendered under this act, or by virtue of any statute, the sum of three hundred dollars per annum. The assessors under this act shall possess all the powers and authority of town assessors, and shall make the assessment roll of the city in the same manner as such assessors under and in pursuance of the second article of the second title of the thirteenth chapter of the Revised Statutes, except as herein provided. It shall be the duty of each assessor to make the assessment roll for the ward from which he may have been elected. The notice required by the nineteenth and twentieth sections of said article shall be given by the said board of assessors, as provided by said nineteenth section, and shall also be published in two of the newspapers published in said city; and shall designate the city clerk's office as the place where the said assessors will review their assessments, and where the rolls of the several wards of said city may be examined. Upon such review the said board of assessors, as a board, shall have power to correct, alter, amend, subtract from and add to each of the rolls for

the several wards of said city, in such manner as in their judgment may be proper, and they shall attach the said several assessment rolls of the several wards together, and make thereby an assessment roll for the city of Newburgh, and shall sign and swear to said assessment roll in the manner now provided by law for the completion of assessment rolls in towns. The said assessment roll shall be completed, and all the additions of each page of said assessment roll, together with the sums total thereof, shall be made and entered thereon, and said assessment roll shall then, with all other papers required by said article to be filed, be delivered to the city clerk on or before the third Tuesday in July in each year.

"§ 6. The common council shall be vested with the exclusive power to correct the assessment roll in respect to taxes imposed by virtue of this act, in the same manner as a board of supervisors may by law correct the town rolls of their county, and shall possess all the powers in relation to such city assessment roll that boards of supervisors have by statute in the case of town assessment rolls and town and county taxes. The city clerk shall correct all clerical errors in the description or valuation of property, under the direction of the common council, and make a correct and exact copy of the assessment roll so made as aforesaid, and certify the same to be correct, and deliver the said copy to one of the supervisors of said city, on or before the first day of October in each year, to be by him presented to the board of supervisors as and for the town roll of the city. Nothing in this section shall be construed to prevent the board of supervisors of Orange county from exercising in respect to the assessment roll of said city delivered to them, or the taxes imposed by them thereby, the same powers which are vested in boards of supervisors in respect to town assessment rolls and town and county taxes or any correction thereof.

Common council vested with power to correct assessment roll in respect to taxes imposed by this act.

Clerk to correct clerical errors in description.

Not to limit power of supervisors.

"§ 7. The city clerk shall keep all papers belonging to said city; he shall act as the clerk of the council, and of the board of health, and attend all their meetings. His office is hereby declared a town clerk's office, for the purpose of depositing and filing therein all books, chat-

City clerk.

His office a town clerk's office.

tel mortgages and papers required by law to be filed in a town clerk's office, and he shall possess all the powers and discharge all the duties of a town clerk, except so far as the same shall be inconsistent with other provisions of this act. He shall have the power to administer oaths and take affidavits and acknowledgments within said city that justices of the peace have, and shall be entitled to receive therefor, from any person except the city, the same fees and compensation therefor. But all oaths, affidavits or acknowledgments taken or sworn before him for the city, or for any officer or agent acting for the city, shall be so taken without any fee or charge.

**May administer oaths, etc.** The clerk shall receive such annual salary, not exceeding twelve hundred dollars per annum, as shall be fixed by the common council, in full for the performance of all the duties imposed upon him by law and by said council; and the city clerk shall not hold any other office or position under the city government; and he shall not receive from the city nor from any other person or persons any fee or reward for any services as clerk, except as hereinbefore provided, and except that when certified copies of papers are required for evidence by any person or party except the city, he shall be entitled to ten cents a folio therefor, if required to make or write the copies himself, but any other person shall have the right to take copies of any records or papers of the corporation for evidence.

**Salary.**

**May charge for copy of papers.**

**Treasurer, duties of.** "§ 8. The treasurer of said city shall receive all moneys belonging thereto as well as the moneys raised by authority of the board of supervisors of the county of Orange, as the moneys raised by authority of the common council; and he shall keep an accurate account of all the receipts and expenditures in such manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of the order of the common council, by warrants signed by the mayor or acting mayor and the clerk; such warrant shall specify for what purpose the amount therein named is to be paid, and the treasurer shall keep an accurate account of all orders drawn on the treasury in a book to be provided for that purpose, which shall be open to the inspection of any elector of said city at all reason-

**Moneys, how drawn.**



able hours. The treasurer shall, at least fifteen days before the annual election in each year, prepare a general statement showing the amounts, under proper heads, of moneys received and paid out by him, after the date of his last annual report, so as to show in brief the statement of the accounts of the city, which statement he shall forthwith cause to be published once in two of the newspapers published in said city. At the close of the fiscal year the treasurer shall prepare and file with the common council, a full account of all receipts and expenditures, after the date of his last annual report, and also the state of the treasury, which exhibit or report shall be printed and published in two of the newspapers printed in said city, and in such other manner as the common council may direct. And said treasurer shall also report to the common council, at each regular monthly meeting thereof, what moneys have been received by him during the preceding month, with a statement showing to what fund such moneys have been credited by him. The treasurer shall receive for his services such compensation, not exceeding five hundred dollars in each year, as the common council may direct.

Treasurer to make and publish general financial statement.

To file, at close of fiscal year, account of receipts and expenditures.

To report monthly to common council.

" § 9. The marshal shall possess the power and authority of a constable at common law, and under the statutes of the State, except that he shall not have power to serve any civil process issued by any justice of the peace. He shall also perform such duties as shall be prescribed by the common council for the preservation of the public peace, the care of the public property, and the maintenance of the police regulations and the municipal ordinances of said city. He shall receive no fee for any services, but shall be allowed a compensation to be fixed by the council.

Marshal, powers and duties.

" § 10. The city sealer of weights and measures shall possess the like powers, and be subject to the like obligations as the sealers of the several towns of this State; and on application for that purpose, the county sealer of weights and measures, shall furnish to him copies of the standards in his office, at the expense of the city.

Sealer of weights and measures.

Collector  
of taxes  
and  
assess-  
ments.

Term of  
office.

Salary.

To make  
repo. t to  
common  
council.

Proceed-  
ings as to  
unpaid  
taxes.

“§ 11. The collector of taxes and assessments in the city shall perform the duties and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act, and he shall keep his books in such manner as the common council may prescribe; and all taxes and assessments to be collected within the limits of the city shall be collected by him. The collector hereafter elected shall hold his office for three years, and shall collect and pay over to the city treasurer all fees authorized and directed to be collected by him in and by any warrant issued to him for the collection of taxes or assessments, and he shall receive annually for his services the sum of fifteen hundred dollars, and he shall attend at a place furnished by the common council at least six hours each day during each year, Sundays and legal holidays excepted. Immediately upon the expiration of the time limited in any warrant issued to him for the collection of any tax or assessment, said collector shall report and make return to the common council, under oath, stating the several amounts by him collected, and of whom collected, the payments of the moneys so collected, and to what officer, with his vouchers therefor, and the several amounts of taxes or assessments which have not been collected by him and remaining unpaid; and said common council, upon such report being received and accepted by them, shall order and direct the several items of unpaid taxes or assessments contained therein, to be entered by said collector in a book provided by said common council, and to be kept by him in his office, upon the first column of which shall be docketed and entered, alphabetically, the names of the persons against whom the unpaid taxes or assessments are levied or assessed; upon the second column the date of the warrant; upon the third column the date of the return day of the warrant; upon the fourth column a brief description of the property in respect to which the tax or assessment was made; upon the fifth column the object and nature of the tax or assessment, and upon the sixth column the amount of the taxes or assessments, with the fees specified in said warrant added thereto, which book shall also contain a seventh column upon which said col-

lector shall enter the date when such amount shall be paid to him; and said common council shall also cause to be docketed and entered in such book in the manner above provided, all taxes and assessments so remaining unpaid at the time of the passage of this act. All taxes and assessments so entered upon such book shall bear twelve per cent. interest from the date of the original warrant authorizing the collection of the same, and such tax or assessment and interest thereon at the rate aforesaid, together with the fees for collecting the same specified in such warrant, may be sued for and recovered by the city against any person liable therefor, except as otherwise provided in this act; and said collector shall report to said common council at each monthly meeting thereof, all moneys collected by him on such docket, and shall pay over the moneys so collected to the city treasurer. But the common council is hereby empowered to allow to said collector clerk hire to an amount not exceeding two hundred and fifty dollars in any one year, for the purpose of enabling him to keep and perfect his accounts as such collector. And said common council is hereby prohibited from employing or paying for the services of any clerk or assistant for said collector, except as herein provided.

Such taxes to bear interest at rate of 12 per cent.

Clerk hire for collector.

"§ 12. It shall be the duty of the superintendent of streets to superintend, under the direction of the mayor and street committee, all work to be done or performed, upon any of the public highways, streets, walks, bridges, sewers or public grounds, or property of said city; to purchase, at the expense of said city, all necessary implements and utensils; to hire and employ the requisite laborers, to direct them as to the time and manner of the execution of their work, and to certify to the common council all persons who shall have been by him employed on any of the streets, walks, buildings, or public structures, and generally to act under the direction of the mayor and common council of the city. And such superintendent shall receive therefor such compensation as shall be prescribed by the common council, not exceeding eight hundred dollars per annum.

Superintendent of streets, powers and duties.

Salary.

Engineers  
of fire  
depart-  
ment.

"§ 13. The chief engineer and assistant engineers of the fire department shall perform such duties and possess such powers as shall be prescribed by the common council, and the chief engineer shall receive such compensation as the common council shall prescribe. It shall be the duty of each fire warden to investigate the cause of each fire occurring in his ward, and report thereon to the mayor and chief engineer; and also, at least once in each year, make such examinations of buildings in his ward as may be necessary. Said fire wardens shall be entitled to receive two dollars per day for the above services, but such services by said fire wardens shall not, respectively, exceed ten days in any one year.

Fire  
wardens.

Justices of  
the peace,  
powers  
and  
duties.

"§ 14. The justices of the peace of said city shall have and exercise all the powers, authority and jurisdiction and discharge all the duties, and be entitled to the fees and compensation of justices of the peace of the several towns in this State, except as modified by this act. And all laws applicable to justices of the peace of the several towns, and to their official acts, duties and powers, shall apply to the justices of the peace of said city, and to their official acts, duties and powers. Appeals from any judgment rendered by any such justice may be taken to the county court of Orange county, within the time and in manner prescribed by law for appealing from judgments rendered by justices of the peace of towns, and all provisions of law relative to appeals from such judgments shall apply to appeals from judgments rendered by any justice elected pursuant to this act.

Appeals.

Certifi-  
cates of  
indebted-  
ness to  
contract-  
ors.

"§ 15. Whenever any work shall have been performed by any contractor, under any contract made with such contractor by the common council, and a certificate of the amount and value of the work performed or done by said contractor shall have been received from the city surveyor, the common council shall have authority to issue certificates of indebtedness to said contractor, stating therein the amount of work done, and the amount due said contractor, and, also, that an amount to be as stated in said certificate, shall be paid by the city of Newburgh out of the assessment made or

to be made, for the improvement on which said work was done, whenever said assessment shall be collected."

§ 4. Title five of an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows:

### TITLE V.

#### OF THE ASSESSMENT AND COLLECTION OF TAXES FOR CITY PURPOSES.

SECTION 1. The common council shall direct and cause a sum not exceeding thirty thousand dollars, for the purpose of defraying the salaries and pay of officers and other necessary and contingent expenses of the city not herein otherwise provided for, to be raised annually by a general tax, and said common council shall have power to add to said sum such additional amount as may be necessary to make up the deficiency occasioned by previous illegal and erroneous assessments and uncollected taxes and assessments; and the said common council shall, at the time of directing such sum to be raised, cause to be entered upon the minutes of said common council, a statement of the amounts which they may deem necessary for the following purposes:

Annual tax not to exceed \$30,000.

Statement for what purpose necessary.

- Salaries of officers.
- Roads and bridges.
- Fire department.
- Printing.
- Election expenses.
- Board of health.
- General purposes.

§ 2. The common council shall also direct and cause such additional amounts to be raised, annually by general tax, as shall be required to pay the interest and all installments of principal as the same shall become due on the public debt of the village of Newburgh, and any permanent debt which shall be incurred or contracted by the city of Newburgh pursuant to the provisions of this act.

Interest and principal of city debt to be raised in addition to sum above-named.

§ 3. The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the

Tax, how assessed.

When  
assessed.

City clerk  
to extend  
tax  
on assess-  
ment roll.

Rate for  
collecting  
tax to be  
fixed by  
common  
council.

Collector  
to publish  
notice.

Rate of  
fees  
limited.

city, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided. The said tax, together with any special tax which shall have been voted as herein provided, shall be assessed by the common council at some meeting thereof, on or before the first day of October in each year. The city clerk, under the direction of the common council, shall extend and apportion said tax on the assessment roll delivered to him as aforesaid, and shall forthwith file the same, and shall make a full duplicate or copy of the same, with the tax so extended and apportioned, and shall certify such copy to be a correct duplicate of the city tax roll. Such roll shall then be delivered to said collector, with a warrant annexed under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with such rate per cent., upon said sums for collecting the same, as the common council shall have fixed in the manner provided by law for the collection and levying of county taxes by town collectors, and to return the said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and warrant to the city collector, he shall publish notice thereof daily, for ten days, in not more than two of the newspapers published in said city, designating some central and convenient place within the city, where said collector will attend, for at least fifteen consecutive days, Sundays excepted, and give notice that he will attend at such place with said roll and warrant for the purpose of receiving payment of taxes; and it shall be the duty of said collector to attend accordingly, and any person may pay his taxes at the time and place so designated on paying such fees thereon, not exceeding five per cent. thereon, as the common council shall authorize and direct; which fees shall be so fixed and graduated by the common council as to encourage prompt payment of the taxes, and shall not exceed one per cent. on the taxes paid within fifteen days after the first day so designated for receiving taxes. At the time of delivery to him of any such roll and warrant, the collector shall indorse on the assessment and

tax roll on file with the clerk, a receipt acknowledging the reception by him of the duplicate of such tax roll and warrant as city collector, and he shall proceed to collect the unpaid taxes in said roll specified, in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the city treasurer, and shall take his receipt therefor, and shall make return to the said treasurer, of the amount collected and paid over by him, and of the taxes remaining unpaid; and upon making oath before some officer authorized by law or this act to administer oaths and take affidavits, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city treasurer with the amounts so remaining due and unpaid. The collector shall deposit all moneys in his hands with the city treasurer, from time to time, as the common council shall direct; but no such settlement, nor any settlement had by the common council, or by any city officer, with any collector of any tax or assessment, shall be final or conclusive, and no bond or other security given by any collector shall be invalidated by, or canceled on any such settlement, but shall remain in full force and be held for one year thereafter by the city.

Collector, when to be credited with unpaid taxes.

§ 4. The mayor, by the direction of the common council may renew from time to time any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected, or shall not be collected, or issue a new warrant for the collection thereof, and in such renewal or warrant shall specify the time when the same shall be returned, and direct the collection of interest on such taxes or assessments as the same is given to the city by this act, and the same proceedings shall be had thereon as upon the first warrant. All the provisions of this act shall apply to the said taxes and the collection thereof, and to the power and duties of the collector in relation to the same after such renewal or new warrants, in like

Tax warrant may be renewed.

Engineers  
of fire  
depart-  
ment.

"§ 13. The chief engineer and assistant engineers of the fire department shall perform such duties and possess such powers as shall be prescribed by the common council, and the chief engineer shall receive such compensation as the common council shall prescribe. It shall be the duty of each fire warden to investigate the cause of each fire occurring in his ward, and report thereon to the mayor and chief engineer; and also, at least once in each year, make such examinations of buildings in his ward as may be necessary. Said fire wardens shall be entitled to receive two dollars per day for the above services, but such services by said fire wardens shall not, respectively, exceed ten days in any one year.

Fire  
wardens.

Justices of  
the peace,  
powers  
and  
duties.

"§ 14. The justices of the peace of said city shall have and exercise all the powers, authority and jurisdiction and discharge all the duties, and be entitled to the fees and compensation of justices of the peace of the several towns in this State, except as modified by this act. And all laws applicable to justices of the peace of the several towns, and to their official acts, duties and powers, shall apply to the justices of the peace of said city, and to their official acts, duties and powers. Appeals from any judgment rendered by any such justice may be taken to the county court of Orange county, within the time and in manner prescribed by law for appealing from judgments rendered by justices of the peace of towns, and all provisions of law relative to appeals from such judgments shall apply to appeals from judgments rendered by any justice elected pursuant to this act.

Appeals.

Certifi-  
cates of  
indebted-  
ness to  
contract-  
ors.

"§ 15. Whenever any work shall have been performed by any contractor, under any contract made with such contractor by the common council, and a certificate of the amount and value of the work performed or done by said contractor shall have been received from the city surveyor, the common council shall have authority to issue certificates of indebtedness to said contractor, stating therein the amount of work done, and the amount due said contractor, and, also, that an amount to be as stated in said certificate, shall be paid by the city of Newburgh out of the assessment made or



to be made, for the improvement on which said work was done, whenever said assessment shall be collected."

§ 4. Title five of an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows:

## TITLE V.

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SECTION 1. The common council shall direct and cause a sum not exceeding thirty thousand dollars, for the purpose of defraying the salaries and pay of officers and other necessary and contingent expenses of the city not herein otherwise provided for, to be raised annually by a general tax, and said common council shall have power to add to said sum such additional amount as may be necessary to make up the deficiency occasioned by previous illegal and erroneous assessments and uncollected taxes and assessments; and the said common council shall, at the time of directing such sum to be raised, cause to be entered upon the minutes of said common council, a statement of the amounts which they may deem necessary for the following purposes:

Annual  
tax not to  
exceed  
\$30,000.

Statement  
for what  
purpose  
necessary.

- Salaries of officers.
- Roads and bridges.
- Fire department.
- Printing.
- Election expenses.
- Board of health.
- General purposes.

§ 2. The common council shall also direct and cause such additional amounts to be raised, annually by general tax, as shall be required to pay the interest and all installments of principal as the same shall become due on the public debt of the village of Newburgh, and any permanent debt which shall be incurred or contracted by the city of Newburgh pursuant to the provisions of this act.

Interest  
and prin-  
cipal of  
city debt  
to be  
raised in  
addition  
to sum  
above-  
named.

§ 3. The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the

Tax, how  
assessed.

When  
assessed.

City clerk  
to extend  
tax  
on assess-  
ment roll.

Rate for  
collecting  
tax to be  
fixed by  
common  
council.

Collector  
to publish  
notice.

Rate of  
fees  
limited.

city, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided. The said tax, together with any special tax which shall have been voted as herein provided, shall be assessed by the common council at some meeting thereof, on or before the first day of October in each year. The city clerk, under the direction of the common council, shall extend and apportion said tax on the assessment roll delivered to him as aforesaid, and shall forthwith file the same, and shall make a full duplicate or copy of the same, with the tax so extended and apportioned, and shall certify such copy to be a correct duplicate of the city tax roll. Such roll shall then be delivered to said collector, with a warrant annexed under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with such rate per cent., upon said sums for collecting the same, as the common council shall have fixed in the manner provided by law for the collection and levying of county taxes by town collectors, and to return the said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and warrant to the city collector, he shall publish notice thereof daily, for ten days, in not more than two of the newspapers published in said city, designating some central and convenient place within the city, where said collector will attend, for at least fifteen consecutive days, Sundays excepted, and give notice that he will attend at such place with said roll and warrant for the purpose of receiving payment of taxes; and it shall be the duty of said collector to attend accordingly, and any person may pay his taxes at the time and place so designated on paying such fees thereon, not exceeding five per cent. thereon, as the common council shall authorize and direct; which fees shall be so fixed and graduated by the common council as to encourage prompt payment of the taxes, and shall not exceed one per cent. on the taxes paid within fifteen days after the first day so designated for receiving taxes. At the time of delivery to him of any such roll and warrant, the collector shall indorse on the assessment and

tax roll on file with the clerk, a receipt acknowledging the reception by him of the duplicate of such tax roll and warrant as city collector, and he shall proceed to collect the unpaid taxes in said roll specified, in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the city treasurer, and shall take his receipt therefor, and shall make return to the said treasurer, of the amount collected and paid over by him, and of the taxes remaining unpaid; and upon making oath before some officer authorized by law or this act to administer oaths and take affidavits, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city treasurer with the amounts so remaining due and unpaid. The collector shall deposit all moneys in his hands with the city treasurer, from time to time, as the common council shall direct; but no such settlement, nor any settlement had by the common council, or by any city officer, with any collector of any tax or assessment, shall be final or conclusive, and no bond or other security given by any collector shall be invalidated by, or canceled on any such settlement, but shall remain in full force and be held for one year thereafter by the city.

Collector, when to be credited with unpaid taxes.

§ 4. The mayor, by the direction of the common council may renew from time to time any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected, or shall not be collected, or issue a new warrant for the collection thereof, and in such renewal or warrant shall specify the time when the same shall be returned, and direct the collection of interest on such taxes or assessments as the same is given to the city by this act, and the same proceedings shall be had thereon as upon the first warrant. All the provisions of this act shall apply to the said taxes and the collection thereof, and to the power and duties of the collector in relation to the same after such renewal or new warrants, in like

Tax warrant may be renewed.

manner as herein provided upon the warrant as originally issued.

Interest  
on unpaid  
assess-  
ments.

§ 5. The common council may provide by ordinance, that all taxes and assessments that shall remain unpaid for six months after the date of the original warrant authorizing the collection thereof, shall bear interest at twelve per cent. per annum, from the date of the warrant, and such tax and interest may be sued for and recovered by the city against any person liable therefor.

Taxes to  
be liens.

§ 6. Every tax or assessment, for whatever purpose imposed or charged upon any real estate within the city, by virtue of any provision of this act, shall be a lien upon the real estate so charged from the time of the filing of the roll containing the same with the clerk, and if such tax or assessments shall be returned as unpaid by any officer authorized to collect the same, the common council may employ and direct an attorney, or other proper officer, to advertise and sell such real estate in the manner hereinafter provided. The attorney or other officer conducting such sales, for the full performance of his duty therein, shall be entitled to demand and have such fees as the common council may fix, not exceeding ten dollars for each parcel of land so ordered to be sold, in case the sale thereof shall be stopped by payment after advertisement, and not exceeding twenty dollars for each parcel that shall be actually sold.

Fees of  
attorney  
making  
tax sales.

Order to  
be made  
and  
entered  
before  
sale.

§ 7. Before any such sale an order shall be made by the common council, which shall be entered at large in the records of the city, designating and directing the attorney or officers of the city to sell, and particularly describing the premises to be sold, and the owner or agent thereof, so far as the same is known to the common council, and the assessment for which the sale is to be made, a copy of which order shall be delivered to the officer so designated, who shall forthwith advertise the sale of said premises in the manner and for the time required in the case of sales of real estate on execution, and the sale shall be conducted in the same manner, except as herein provided. The proceeding may be stopped at any time before the sale, by any person, by paying the said officer his fee

Proceed-  
ings to be  
stopped

and the amount of tax or assessment, with the interest allowed thereon by this act, and the expense of advertising. All sales in such cases shall be at public vendue, between the hours of nine o'clock in the morning and the setting of the sun, and shall be made to the highest bidder therefor. Three certificates of sale of each parcel of land so sold shall be made out, subscribed and acknowledged by said officer; one of which certificates shall be delivered to the purchaser, another filed in the city clerk's office, and another filed in the office of the clerk of the county, within ten days after such sale. If there be two or more purchasers, a certificate shall be delivered to each. Such certificates shall contain a particular description of the premises sold; the price bid for each distinct lot or parcel; the whole consideration money paid; the name of the person or persons against whom such tax or assessment was made; the name of the purchaser; the particular tax or assessment for which the sale was made; and the time when such sale will become absolute and the purchaser entitled to a conveyance according to law. In making such sale the officer making the same shall, as nearly as possible, sell so much of the real estate only as the said tax or assessment shall have become a lien upon, as may be sufficient to raise the amount of said tax or assessment, interest and expense; and which may be sold separately without material injury to the entire premises. The certificate herein required to be filed in the clerk's office of the county shall be duly recorded by the said clerk in the same manner as deeds are required by law to be recorded, and being so recorded shall have the same effect as against subsequent purchasers and incumbrances as deeds and conveyances duly proved and recorded; and such certificate or the record thereof, or a duly authenticated copy of such record, shall be received in all courts and places, as prima facie evidence of the facts therein stated. In indexing any certificate so to be recorded in his office, or any deed which may be given pursuant thereto, the said county clerk shall index the same as follows: by inserting as grantor the name of the person named in such certificate as the owner thereof, adding thereto the words, "by the city of Newburgh," and

on payment of tax, etc. Sales, how to be made.

Certificate of sale.

What to contain.

What to be sold.

Certificate to be recorded.

How indexed.

City clerk  
to enter  
certifi-  
cates of  
sale.

by inserting as grantee the name of the person named in such certificate as the purchaser. The city clerk of the said city of Newburgh shall provide and keep in his office a suitable book in which he shall enter at length all such certificates of sales filed therein, and shall index all such certificates in the manner named above required.

Title of  
owner of  
real estate  
sold, when  
divested.

§ 8. The right and title of the person to any real estate which shall be sold as hereinbefore provided, shall not be divested by such sale, until the expiration of twelve months from the time of such sale; but if such real estate shall not have been redeemed as herein provided, and a deed shall be executed in pursuance of a sale, the grantee in such deed shall be deemed vested with the legal estate from the time of such sale for the purpose of maintaining an action for any injury to such real estate.

When  
convey-  
ance to  
be given  
purchaser.

§ 9. After the expiration of eighteen months from the time of the sale of any real estate as herein provided, if any part of the premises sold shall remain unredeemed as hereinafter provided, the common council shall give to the purchaser, his legal representatives or assigns, a conveyance of the premises so remaining unredeemed, which conveyance shall be valid and effectual to convey all the right, title and interest which may have been sold in manner aforesaid; and such conveyance shall be presumptive evidence in all courts and places that the tax or assessment for which such real estate may have been sold was legally imposed, and that the proceedings to authorize such sale were correct. The grantee named in any such conveyance may obtain possession of the real estate therein described, in the manner prescribed by law in relation to persons holding over demised premises after the expiration of their terms, without the consent of their landlords; and said grantee, by virtue of such conveyance, shall acquire the right, title and interest in the real estate therein described; and the right to the possession of the same, and shall have, hold and enjoy such real estate, free and clear from all other claims, liens or incumbrances except such taxes and assessments as may have been charged thereon at the time of such sale or at any time thereafter.

How  
grantee  
may  
obtain  
possession.

§ 10. The certificates of sale hereinbefore mentioned shall be assignable by the purchaser or his legal representatives, and such assignment shall be acknowledged or proven in the manner required by law to entitle deeds of real estate to be recorded; and the common council may give to the assignee of any such certificate a conveyance of the real estate therein described, provided all assignments thereof shall have been duly recorded in the clerk's office of said county.

Certificates of sale assignable.

§ 12. In making sales of real estate under the provisions of this title, the attorney or officer making the same shall sell upon and exact terms of sale as follows: In case the tax or assessment, together with the interest thereon, and the proper expenses and charges attending the sale, do not exceed the sum of five hundred dollars, then he shall require the purchaser to pay, at the close of the sale, a sum sufficient to pay said tax or assessment, interest, expenses and charges. In case the tax or assessment, interest, expenses and charges exceed five hundred dollars, he shall sell on such terms as the common council may direct; but in no case shall the purchaser be required to pay, until after the time for the redemption of such real estate shall expire according to the provisions of this title, more than sufficient to pay the tax or assessment, interest, expenses and charges; and the said terms of sale shall, in all cases, require the purchaser, when the purchase money is more than sufficient to pay such tax or assessment, interest, expenses and charges, to pay the balance of the purchase money to the city treasurer, within five days after the time for the redemption of such real estate shall expire, according to the provisions of this title. Said attorney or officer shall, in all cases, reduce his terms of sale to writing, and require the purchaser to subscribe the same; which terms of sale shall be annexed to the certificate of sale, which is herein required to be filed with the city clerk, and shall be filed with the same.

Terms of sale.

In case tax or assessment, interest, expenses, etc., exceed \$500.

Terms of sale to be reduced to writing and signed.

§ 13. The purchase money for which any real estate may be sold as hereinbefore provided, shall be paid to the treasurer of said city; and any balance of the same, after paying the tax or assessment for which the sale may have been made, with the interest thereon, together

Purchase money, how applied and disposed of.

Person assessed or claiming to own premises may apply to court for order directing treasurer to pay him balance of money.

with the costs and expenses of the sale, shall remain in the treasury of said city, and shall be paid out as in this section provided. The person against whom such tax or assessment was made, or any person claiming to be the owner or having any interest in the lands sold, or any person having any judgment or mortgage which was a lien upon the real estate sold, or claiming a right to said moneys, may apply to the Supreme Court for an order, directing the treasurer of said city to pay the balance of said moneys to him; and the said court may make an order directing said treasurer to pay said moneys to such person as it may ascertain is properly entitled thereto, and the said treasurer shall pay over said moneys pursuant to any such order.

Redemption.

Amount to be paid.

In case payment is made by owner, other liens not affected.

Redemption by prior incumbrancers.

§ 14. At any time within twelve months after such sale, any owner of any parcel of real estate so sold as aforesaid, or of any specific part or undivided interest in or share of such parcel, may redeem the same by paying to the city treasurer the amount paid by the purchaser, and all other sums which he may have paid for taxes or assessments on said real estate, together with the interest thereon from the time such payments were made, at the rate of fifteen per cent. a year, and the actual and necessary expense he may have incurred in the service of the notices provided for in section nineteen of this title; and on such payment being made, the title acquired by such sale shall cease and determine. In case such payment is made by the owner of said real estate, then and in that event all mortgages, judgments, decrees or claims which were a lien on said real estate at the time the tax or assessment, for which the sale has been made became a lien thereon, shall be and remain liens upon said real estate, any thing hereinbefore contained to the contrary notwithstanding. Upon such payment being made by any person so entitled to redeem any real estate so sold, the sale of the premises so redeemed, and the certificate of such sale, shall be null and void, and the person so redeeming shall be entitled to have such certificate canceled of record.

§ 15. Any person having a mortgage, judgment, decree or claim, which was a lien on the premises sold at the time the tax or assessment for which the same



were sold became a lien thereon, may, at any time within three months after the expiration of the twelve months mentioned in the preceding section, defeat such sale by making the payments provided in the last preceding section, and in the manner therein provided, and shall, thenceforward, have a further lien on said premises for the amount paid by him to defeat the sale thereof, and which shall be added to his mortgage, judgment, decree or claim, and be enjoyed or enforced by him in the same manner as though it formed a part thereof; such further lien shall date back to the time when said mortgage, judgment, decree or claim became a lien on said real estate. Upon such payment being made by any person so entitled to defeat said sale, the said sale and the certificates thereof shall be null and void, and the person so defeating the same shall be entitled to have such certificate canceled of record.

Effect of  
payment.

§ 16. Any person having a mortgage, judgment, decree or claim which shall have become a lien on the premises sold subsequent to the lien of the tax or assessment for which the same were sold, may, at any time within three months of the expiration of the fifteen months mentioned in the last preceding section, provided said sale has not already been defeated as provided in said section, defeat said sale by making the payments provided in the second preceding section, and in the manner therein provided; in which event, the person making such payment and defeating such sale, shall be entitled to have and receive from the common council a conveyance of said real estate as the purchaser thereof, and with the same effect as provided in section nine herein.

Redemption  
by  
subse-  
quent in-  
cumbrances.

§ 17. The city treasurer is hereby required to give proper receipts for payments made to him under any of the preceding sections, and any receipts taken for payments provided for therein, acknowledged or proven in due form of law to entitle conveyances of real estate to be recorded, shall be evidence of such payments, and may be recorded and indexed in the clerk's office of Orange county, as deeds of real estate are required by law to be recorded and indexed.

Treasurer  
to give  
receipts.

Provisions  
of Revised  
Statutes  
to apply.

§ 18. All the provisions of the Revised Statutes relating to the redemption of lands sold under executions, and which are not inconsistent with the provisions of this title, shall apply to the sales and redemption of lands which may be sold for taxes or assessments as provided in such title; and all payments which may be required to entitle other persons to redeem, according to the provisions of said statutes, may be made to the city treasurer.

In case of  
payment  
by incum-  
brancers,  
before  
sale,  
amount  
paid to be  
a lien in  
their  
favor.

§ 19. In case any person having a mortgage, judgment, decree or claim, on lands about to be sold for any tax or assessment shall stop such sale by paying the amount of the tax or assessment, fees and interest as provided in section seven, then, and in that event, the person making such payment shall have a further lien on said lands for the amount so paid by him, which shall be added to his said mortgage, judgment, decree or claim, and become a part thereof; and such further lien shall be of even date with said mortgage, judgment, decree or claim.

Notice to  
be given  
owners,  
etc., who  
hold by  
descent,  
or have  
recorded  
incum-  
brances.

§ 20. No owner whose deed, or in case he holds such property by descent or devise, the deed of his ancestor or devisor shall have been duly recorded in the office of the clerk of the county of Orange, before the sale thereof for any tax or assessment for benefit, and no mortgagee, lessee or assignee of either, whose mortgage, lease or assignment shall have been so recorded, shall be divested of his rights in such property by reason of such sale, unless six months' notice in writing of such sale shall have been given by the purchaser, or those claiming under him, to such owner, mortgagee, lessee or assignee, personally, if a resident in the county of Orange or a county adjoining thereto; or if such owner, mortgagee or lessee be not such resident, then by depositing such notice in the post-office of said city, directed to the owner, mortgagee, lessee or assignee, at his place of residence as stated in the deed, lease, or assignment of such mortgage or lease.

Person  
serving  
notice to  
file and  
record a  
copy of

§ 21. It shall be the duty of the person serving such notice, or causing the same to be served, to file and record a copy of the notice served, together with the affidavit of some person who shall be certified, by the offi-

cer before whom said affidavit shall be taken, to be a creditable person, proving the due service of said notice, in the office of the clerk of the county of Orange, with any deed which the purchaser may receive from the common council for the lands sold.

notice served and affidavit of service.

§ 22. The city of Newburgh may become the purchaser at any sale which may be made under the provisions of this title; and in such case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at any such sale bid a sum, or become the purchaser for a greater amount, than sufficient to pay the tax or assessment, with interest, including the cost and expenses of such sale, and in all cases of such sales, the said city shall bid a sum sufficient to pay such tax or assessment, interest, cost and expenses. The mayor or acting mayor of said city shall attend all such sales and make such bid. Any sale made in violation of this provision shall be void.

City may purchase at sale.

City to bid amount to pay tax, etc.

§ 23. The term mortgagee as used in this act shall be construed to include assignees of mortgages whose assignment shall be duly recorded, and personal representatives, and the term "purchaser" shall be construed to include assignees, and real or personal representatives, as the case may be.

Terms "mortgagee" and "purchaser," how construed.

§ 24. The common council are hereby restricted in making appropriations for and on account of the expenses of the city, to the sums that are or may be authorized to be raised therefor by this act or by any future acts of the Legislature. Whenever any assessment or tax shall have been levied and confirmed by the said common council, they may borrow, upon the credit of the city, a sum not exceeding two-thirds of said tax or assessment, to be repaid from the same within a term of time not exceeding ten months.

Restrictions as to appropriations.

§ 25. All property exempt from taxation by chapter thirteen, part first, title first of the Revised Statutes, and all property belonging to the city, shall be exempt from taxation for any city purposes.

Exemption from taxation.

§ 26. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment duly assessed according to any of the provisions of this act against any such person or corporation, the same may

Taxes and assessments may be collected by action.

be collected by action in the name of the city against such person or corporation; but such action shall not operate to release any lien upon property for such tax or assessment until the judgment rendered in such suit shall have been fully satisfied; except that no right shall accrue against any person or corporation to collect by action any assessment made against any such person or corporation for the expense of opening or grading any public street in said city.

Service of notice upon one co-tenant sufficient.

§ 27. Whenever any real estate in said city shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all for any purpose requiring a notice under this act.

Extraordinary expenditures, how provided for.

§ 28. Whenever the common council shall be of opinion that the interests of the city require the expenditure of money for any extraordinary or special purposes, which, in their opinion, cannot be paid from the sum of thirty thousand dollars in the first section of this title mentioned after defraying the ordinary expenses, or that the ordinary current and contingent expenses of any year cannot be defrayed without raising an additional sum as a contingent fund, they shall make an estimate of the sum necessary to be raised for said purposes, and each of them, if there be more than one such object, and to state the amount and the objects for which it is required, together with the reasons for their opinion and cause such statement and estimate to be published in two of the newspapers printed in said city; and shall give notice therein that, on a day and at a place therein specified, a special election will be held, at which the question whether the said sum or sums shall be raised or not will be submitted to the qualified voters for their determination. Said statement and notice shall be published once in each week for three weeks next preceding the said day of election. The common council shall designate in said notice some central and convenient place in said city for holding the polls of said election, and they shall appoint three inspectors as a board of inspectors for the poll of said election, and may fill all vacancies in said board, and said inspectors shall take the oath required by law to be taken by inspectors of charter elections in said

Estimate and statement to be published and notice of special election to be given.

Place of holding polls.

city, and in the same manner, and they shall have the same powers and perform the like duties as the last-mentioned inspectors. Every male resident of said city, of the age of twenty-one years, whose name shall be in the assessment roll made by the assessors of said city next preceding said special election, and upon whose property, or upon whom, as the owner or possessor of property, a tax shall be assessed or imposed in and by said roll, and no other person or persons whatever shall be entitled to vote at said special election. The assessment roll made by the assessors, or a copy thereof, certified by the clerk and by the mayor or presiding officer of the said council, shall be evidence of the names and assessment aforesaid. The inspectors of said election thus appointed, on the day and at the place thus specified, and from nine o'clock in the forenoon until sunset without closing the polls, and in the manner provided by law for holding charter elections in said city, shall proceed to receive the ballots of the persons qualified to vote at the said special election, on which ballots shall be written or printed, or partly written and partly printed, in the inside thereof, the object for such special tax, and in the margin, and opposite to such object or statement, shall be placed the words "for" or "against," and if there shall be more than one object for a special tax proposed at any such election, then those several objects shall be specified on one piece of paper, and in the margin and opposite each one of those several objects or statements, shall be placed the words "for" or "against," and deposit the same in a box similar to the boxes required to be used at the said charter elections. If any person offering to vote at such election shall be challenged, in relation to his right to vote thereat, by any other person entitled to vote at said election, one of the inspectors shall tender to him the following oath: "You do swear (or affirm) that you are a resident and taxpayer of the city of Newburgh, and are of the age of twenty-one years, and that you have not voted at this election." If he shall take such oath, and shall be named and assessed upon said roll as aforesaid, his vote shall be received; if he shall decline to take said oath, his vote shall be

Electorat.

Evidence of names and assessment.

Polls to be open from 9 a. m. till sunset.

Form of ballot.

Oath to person challenged.

refused. All the provisions of law for punishing false swearing and fraudulent voting at the said charter election, so far as the same can be applied, and for preserving order at the polls, shall be applicable to the said special elections and the proceedings thereat. The said

**Canvass.** inspectors shall canvass the votes received at said special elections, immediately after the closing of the polls, without adjournment, and then make a certificate under their hands, or the hands of two of them, stating the whole number of ballots received; in the case of every tax voted upon at such election, the whole number for each special tax and the whole number against each special tax, and return the same by the hands of one of them to the common council or to the mayor or clerk, forthwith thereafter. The said certificate, if received by the mayor or clerk, shall be delivered by him to the common council at their next meeting, and the said council shall cause the result of said election, as appearing by said certificate, to be entered in their minutes; and if it shall appear that the whole number of votes received at such election with the word "for" in the margin and opposite any several object voted for, exceed the whole number of votes with the word "against," in the margin and opposite each several object, it shall be the duty of the common council to cause the said sum or sums of money to be assessed, levied and raised, in addition to the said sum of thirty thousand dollars, and all other taxes, in and by the next assessment roll or in and by successive equal annual installments thereafter, and in the same manner and with the same power and authority as herein described and conferred in reference to said thirty thousand dollars; provided always, that the total amount proposed to be raised and to be voted for in any one year at a special election or elections, shall not exceed ten thousand dollars in addition to said sum of thirty thousand dollars, and that not more than one such election shall be held in any year unless such amount is recommended or such elections directed by a vote of three-fourths of all the members of the common council. After any such special tax or taxes shall have been authorized, as herein provided, the common council may proceed to authorize the expenditure of the amount

**Certificate to be delivered to common council.**

**In case of affirmative vote, common council to levy tax.**

**Provide as to amount to be raised.**

**When expenditure may be made.**

thereof, for the object or objects specified in their published statement, and sanctioned by such election, and the common council may borrow, if they shall deem it necessary to do so, the amount so voted in anticipation of the collection of said tax, for a time not exceeding five years, payable in equal annual installments, if the loan shall be made for more than one year, which installments shall be levied and collected in the same manner as the general tax of the city, and the amount so borrowed shall be expended for the purpose for which the special tax is raised, and shall be repaid as soon as the same shall become due, from the proceeds of the tax law. The sum and sums of money raised by any special tax shall be paid to and kept by the treasurer of the city distinct from other money, and entered in a separate account, and shall be appropriated by the common council exclusively to the object or objects mentioned in their public statement.

Special  
tax, to  
what  
purpose  
applied.

§ 29. The common council may, at any time after the commencement of any fiscal year, borrow upon the credit of the city a sum not exceeding one-half of the amount, which they may raise under the authority given by the first section of this title. The said common council shall not have power to borrow, and are hereby expressly prohibited from borrowing, any money on account of the city, except as hereinbefore provided, and except for the purpose of anticipating, as far as may be necessary, the receipt of the general annual tax; and all sums borrowed, as herein provided, shall be paid within the fiscal year in which the same was borrowed, and from the tax so assessed for that year. The said council shall not create any pecuniary obligation whatever on the part of the city which shall not be payable within the year for which the council creating such obligation was elected, and which cannot be discharged from the income of the same year, except as herein otherwise specifically provided; but this prohibition shall not affect the provisions of this act before contained in regard to obligation for or respecting the expenditure of any sum raised by special tax. The fiscal year in said city shall be deemed to commence on Tuesday next after the annual charter election.

Power of  
common  
council as  
to borrow-  
ing  
money.

All obli-  
gations to  
be paid  
within the  
year.

Account  
of expen-  
ditures to  
be kept.

§ 30. And the common council shall cause an account book to be opened and kept by the clerk of said city, wherein all the expenditures and payments made on account of said city shall be respectively entered under their proper heads.

Tenant in  
common  
may bring  
action  
against  
co-tenant  
for share  
of tax  
paid.

§ 31. Whenever any tax or assessment which may be imposed on any real estate owned by two or more tenants in common shall be paid by one or more of such owners, the person or persons making such payment shall have a right of action against the remaining owner or owners to recover his, her or their proper share of such payment.

Lands of  
the State  
under the  
waters of  
the Hud-  
son river,  
in front of  
streets  
granted to  
city.

§ 32. For the purpose of insuring a communication between the shore of said city and the navigable waters of the Hudson river, and enabling the authorities of the city to extend the streets thereof terminating at the river, in to the waters aforesaid, all the estate, title and interest of the people of the State of New York in and to all the lands under the waters of such river in front of the said streets, from the line of high-water mark as it formerly existed, and extending therefrom easterly five hundred feet from such high-water mark, and of the same width of the said streets respectively as the same may measure from north to south, is granted to and declared to be vested in the mayor and common council of the city of Newburgh for the uses and purposes of public streets and highways forever, with power and authority in and to the said mayor and common council to construct wharves, piers and other structures thereon, and to occupy and possess the same for commercial purposes, and to regulate the use thereof by others for the purposes of navigation and commerce in such manner, and upon such terms and conditions, and at such rate of compensation, as to the said mayor and common council may seem reasonable, just and right; causing and creating thereby no unnecessary impediment to or interruption of the right and enjoyment of the free passage by the public at all times from such streets to the navigable waters of the said river outside of and beyond the easterly line thereof, nor from the waters of such river at such easterly line to the streets aforesaid; provided always, that no money shall be

Power to  
build  
wharves,  
etc.



expended by the mayor and common council, or by any other person or persons in their behalf, for the erection and construction of such wharves and piers, and the extension of such streets and highways, nor shall any debt or pecuniary obligation be incurred or created therefor by the said mayor and common council, until the assent of the resident tax-payers of the city shall be first had and obtained to the expenditure of such money and the creation and incurring of such debt or obligation, according to the provisions of section twenty-eight of title five of this act.

Assent of tax-payers to be obtained before any expenditure of money.

§ 33. Whenever any assessment made under the provisions of this act shall be set aside or decided by any court having jurisdiction thereof to have been improperly or illegally made, or whenever it shall be ascertained that the proceedings under which said assessment may be made shall have been so far irregular and erroneous as to make the collection of such assessment illegal, then, and in that case, a re-assessment may be made in the manner prescribed by this act, with the same force and effect as if it had been an original assessment.

Re-assessments, when to be made.

§ 5. Title six of the act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows:

## TITLE VI.

OF STREETS AND BRIDGES AND THE IMPROVEMENT THEREOF, AND OF NUISANCES AND THE ABATEMENT THEREOF.

SECTION 1. The common council shall be commissioners of highways in and for said city, and shall have all the powers and discharge all the duties of commissioners of highways in the towns of this State, except as otherwise provided in this act. They shall have power and it shall be their duty:

Common council to be commissioners of highways.

1. To lay out, open, make, amend, repair, alter, widen, straighten, extend, contract or discontinue streets, lanes, alleys, highways, walks, public squares, bridges, drains, culverts and sewers in said city. But no street, lane or highway in said city shall be discon-

To lay out streets, etc.

tinued without the written consent of all parties owning lands thereon.

To grade  
streets,  
etc.

Not to  
exceed  
one third  
of ex-  
pense, to  
be borne  
by city.

2. To cause any street or streets, section or sections of any street or streets in said city to be graded; leveled and paved; and to fix and regulate the grade line of streets and sidewalk; and to cause curbs to be set and sags to be made, paved and guttered of such materials as the common council may direct. And in the order directing such grading, leveling or paving, they may in their discretion provide that a portion of the expense of such improvement, not exceeding one-third thereof, shall be paid out of the city treasury. But after any street, or section of a street, shall have been once graded, or be in process of grading, according to grade line fixed by order of the common council, the grade of the same street or section shall not be changed, except upon the written application of the persons owning a major part of property adjoining the same.

To re-  
quire  
streets  
to be  
cleaned  
and kept  
clean.

3. To keep the streets clean and in good order, and to pass ordinances requiring the same to be kept clean and in proper order, and free from encroachment and injury, and to require the owners and occupants of houses, buildings or lots to clean the snow and ice from the sidewalks and out of the gutters opposite their premises.

Sidewalks

4. To require the owners of buildings and lots on public streets to make and maintain sidewalks opposite their premises, and to prescribe and direct the materials out of which, and the manner in which, such sidewalks shall be made, and the time within which they shall be completed, and to regulate the grade, width, shape and construction thereof.

Public  
parks.

5. To lay out, improve and ornament public parks and pleasure grounds, and to pass ordinances and regulations concerning their preservation and use.

Obstruc-  
tions to  
streets.

6. To prevent and summarily remove all obstructions and incumbrances in or upon the streets, sidewalks, highways, bridges and public grounds in said city.

Orna-  
mental  
trees.

7. To direct the planting and rearing of shade and ornamental trees in the streets and public grounds of said city, and to pass ordinances for the preservation and protection thereof.

§ 2. Whenever the common council shall order a sidewalk to be made, altered or repaired, or curbs to be set, or sags to be made, paved or guttered, they shall give notice to the owner of the premises along or in front of which such walk is ordered to be made, altered or repaired, or such curb to be set, or sag to be made, paved or guttered, by causing a copy of such order to be delivered to him personally and left with him, or, in case of his absence from his residence, by leaving such copy with a person of suitable age and discretion at his residence; or in case such notice cannot be served as aforesaid, or such owner is not a resident of said city, or is unknown, then such notice shall be served by publishing the same for one week in a public newspaper printed and published in said city. The order directing such sidewalk to be made, altered or repaired, or sag to be made, paved or guttered, shall direct the materials to be used and the manner in which the work is required to be done, and the time within which it is required to be completed. If the owner shall not make, alter or repair such sidewalk, or set such curb, or make, pave or gutter such sag in the manner and within the time specified in the order, or such further time as the common council may by resolution allow, the common council shall cause such sidewalk to be made, altered or repaired, or such curb to be set, or such sag to be made, paved or guttered, as specified in said order, and all expenses incurred in such construction, alteration or repairs shall be ascertained by the common council and entered in their minutes, and, together with the costs of collecting the same, and interest thereon at the rate of seven per centum per annum, shall be a lien on the lot in front of which said walk shall have been made, altered or repaired, or such curb set, or sag made, paved or guttered, and a charge against the owner thereof, which may be collected by action in the name of the city, or by sale of the premises in the manner hereinbefore provided for the sale of property for taxes imposed for city purposes.

Proceed-  
ings in  
case of  
sidewalks.

When  
common  
council to  
build side-  
walks.

Expense a  
lien on  
lot.

§ 3. Whenever the owner or occupant of any lot of land within the said city shall have suffered or com-

Expense  
of re-  
moving

nuisances  
to be a  
lien on  
lots.

mitted any nuisance thereon, which the common council shall remove at the expense of the city, such expense shall be ascertained by the common council and entered in their minutes, and, together with the expenses of collection, shall be a lien upon the said lot from the time the expense shall be incurred, and may be collected by action in the name of the city against the owner, or after demand of payment from the owner and his neglect or refusal to pay such expense, by sale of the lot in the manner hereinbefore provided for the sale of property for taxes imposed for city purposes.

Action for  
expense of  
removing  
obstruc-  
tions to  
streets.

§ 4. Whenever any encroachment upon, or obstruction of, any public street or highway in said city shall have been removed at the expense of the city, the common council shall ascertain such expense and enter the same in its minutes, and the amount thereof, together with all fees of officers and expenses of collection, may be collected by action in the name of the city against the person or persons causing such encroachment or obstructions, or maintaining the same after notice requiring its removal.

Proceed-  
ings to  
lay out,  
open,  
widen,  
alter, con-  
tract or  
extend  
streets,  
etc.

§ 5. Whenever application shall be made by three or more freeholders to the common council to lay out, open, alter, widen, contract, extend or discontinue any street, lane or highway, or grade, level or pave any street, lane or highway, or construct, or rebuild any sewer, aqueduct or bridge, they shall, before ordering such improvement, cause a notice of the pendency of such application to be published twice a week for two weeks in two public newspapers printed and published in said city, stating the time when they will meet to hear all persons interested in said improvement, which time shall be at least two weeks after the first publication of the notice, and the said common council shall have power to adjourn their proceedings thereon from time to time. At said meeting, or at such adjourned or subsequent meeting at which the common council shall order such hearing to be had, they shall hear such reasons as shall be given by or on behalf of persons interested for or against the making of such improvement. All applications to lay out, open, alter, widen or extend any street, lane or highway, shall include an

application to establish the grade line thereof. In any order made by the common council to lay out, open, alter, widen or extend any such street, lane or highway, they shall fix, determine and describe the grade line thereof. The common council shall cause all necessary maps, surveys, profiles and drawings to be made, showing the proposed improvement, and shall have the same at said meeting for the inspection of persons interested. In case the common council shall decide to make such improvement, they shall then and there make an order, except to change the grade line of a street for the same, which shall be entered in the minutes of their proceedings, and at any time before the completion of such improvement the said common council shall have power to alter or amend such order if, in their judgment, it would be advantageous to the tax-payers or to said city to make such alteration or amendment. And the said common council are hereby authorized to raise by general tax, annually, such sum or sums of money as they may have ordered during the previous year to be paid out of the city treasury for any of the purposes mentioned in second subdivison of the first section of title six of this act. The said common council shall have exclusive control of all the sewers in said city, and it shall not be lawful for any person to interfere with, enter or connect with any of the sewers in said city, without having first obtained permission so to do from the common council, and all such connections shall be made under the supervision of the superintendent of streets; and the said common council are hereby empowered to compel any and all owners or occupants of lands on the line of any such sewers to enter and connect the drains from such lands into and with such sewers, whenever the said common council shall deem it necessary for the public good, or as a sanitary measure, so to do; and the said common council are hereby authorized and empowered to enforce the observance of the provisions of this section by ordinances imposing suitable penalties for the violation thereof. And the common council shall have power to enter upon any lands in said city for the purpose of making surveys, and to construct upon the same any sewer or sewers

Maps and  
surveys.

Annual  
general  
tax.

Sewers.

Drains to  
connect  
with  
sewers.

Entry on  
lands to  
build  
sewers,  
etc.

deemed by them necessary and proper to be constructed, and to acquire the title to any lands or easements therein for the purposes of such sewer or sewers, and the same proceedings shall be had and taken to acquire such lands or easements therein, and to assess the expenses, damages and benefits resulting therefrom, in the matter of the construction of any such sewer as is provided by this act for the laying out and opening of streets in said city; and the said common council shall have power to authorize the opening and excavation of the sidewalks of said city, for the construction of vaults and other improvements thereunder, by the owners of the lands adjacent thereto.

Excavations under sidewalks.

§ 6. No application to lay out, open, alter, widen, contract, extend, discontinue, level, pave or grade any street, lane or highway, or construct or rebuild any sewer, in any other part of the city than east of the east line of Water street therein, and excepting, also, South Water street, south of First street in said city, shall be entertained, or in any matter acted upon by the common council of said city, unless the person or persons making such application shall own at least one-third of the number of feet fronting on both sides of the proposed improvement.

As to applications to lay out streets, etc., in certain portions of the city.

§ 7. Whenever any order shall be passed by the common council directing the laying out, extending, making or widening of any street, alley, road, lane or highway in said city, they shall apply to the county court of Orange county, either in term or vacation, or to a special term of the Supreme Court in the second judicial district, for the appointment of three disinterested freeholders as commissioners to estimate and assess the expenses of the said improvement, and the value of each parcel of the land taken for the same, and the damages sustained by any person or persons by reason of such improvement, and the amounts to be allowed to each person respectively, and also to ascertain and determine what real estate will be benefited by such improvement, and to apportion and assess the entire cost of the improvement with the expenses thereof, upon the several parcels of land benefited thereby, in proportion, as near as may be, to

Assessment of damages in opening streets, etc.

the benefit resulting to each. The common council shall publish twice a week for two weeks in one or more of the newspapers published in said city, a notice specifying the time and place at which such application will be made for the appointment of said commissioners, who may be nominated by the common council; but the court shall not be confined to the persons so nominated, but may appoint other commissioners in their place, or in the place of either of them, and may also, after like notice for such purpose, publish in the same manner and for the same time as above directed, appoint another or others to act in place of any one or more of such commissioners who may die or decline serving. Any person interested shall be entitled to be heard in such applications. The said commissioners, after their appointment, shall be sworn, before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall proceed with all reasonable diligence to make the estimate and assessment in this section above mentioned, and they shall have power to enter upon and examine any premises which in their opinion will be affected by the said improvements, and to hear the proofs and allegations of the parties interested, and to issue subpoenas and compel the attendance of witnesses residing in said city, and to continue such hearing from time to time as they may deem proper. Notice of the time and place of their first meeting shall be published by them, for at least one week previous thereto, in a public newspaper published in said city. The said commissioners shall make their estimate and assessment in the form of a report, which shall contain a description of each parcel of land necessary to be taken for such improvement, and the value thereof, and the name of the owner or owners thereof, and a statement of the interest which each has therein, and of the damages sustained by means of such improvement by each person entitled to be compensated, and also a statement of the expenses of the proceedings, and of the entire cost of the improvement. The said report shall also contain a description of each separate parcel of land which, in the judgment of the com-

Notice of intended application to be published.

Interested parties to be heard.

Duty of commissioners.

Notice of meeting to be published.

Report, what to contain.

Compensation of commissioners.

missioners, will be benefited by the improvement, and the names of the owners thereof, and of the interest of each person therein, and an assessment upon each parcel of land benefited, of the proportion of the entire cost of the improvement which such parcel ought, in the judgment of the commissioners, to bear. The compensation of the commissioners, at the rate of three dollars per day for the time necessarily employed by them, together with the other expenses of the proceedings, including printing and the compensation of the attorney conducting the proceedings, and of the surveyor, shall be audited and adjusted by the common council, and included in the cost of the improvement.

Residue of lots, when to be included in lands taken.

Title to vest in city.

To be sold.

Deficiency to be deemed part of general loss.

§ 8. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the commissioners may, in cases where injury or injustice would otherwise be done, and with the consent in writing of the owner or owners of such lots, include the whole or any part of such residue in their report (briefly describing the same), and estimate separately the value thereof. Every such residue, or part of a residue, which shall be so included, shall, upon the confirmation of the said report as hereinafter provided, and the payment of the amount at which the same shall be so estimated by the treasurer as hereinafter provided, vest in fee simple in the city of Newburgh; and the common council shall thereupon sell and dispose of the same, at a price or prices not less than the sum at which it shall have been so estimated, to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice (to be determined by the common council), elect to take the same at such price or prices, it shall be sold and disposed of at public auction, upon such notice as the common council shall deem proper, for the best price or prices which can be obtained for the same. In case the same shall be for a sum less than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment thereof, the commissioners shall include in the estimate and assess-



ment of the expenses of such improvement, the estimated value of any such residue or part of residue which may be included as aforesaid in their report; and upon the sale of the same as above provided, the proceeds thereof shall be credited to each of the persons assessed in proportion to the amount of the respective assessments against them.

§ 9. After said report shall be completed, it shall be filed by the commissioners with the clerk of the city; and the said commissioners shall cause a notice to be published twice a week, for two weeks, in one or more newspapers printed in said city, that the same has been completed and filed with the said clerk, and that they will meet at a time and place to be named in said notice, which shall be at least fourteen days after the first publication thereof, to review their said report. During that time the said report may be examined free of expense by all persons interested, and at the time and place so specified any such person may offer objections in writing, and accompany the same with such affidavits as he may think proper; and the said commissioners shall meet at the time and place specified in such notice, and shall thereupon, or as soon thereafter as conveniently may be, review their said report and correct the same where they shall deem it to require correction, and shall then again file the same with the clerk of said city. The city clerk shall thereupon cause a notice to be published twice a week, for two weeks, in one or more of the newspapers printed in said city, that the said report has been so completed and filed, and that application for the confirmation thereof will be made to the county court of Orange county, either in term or vacation, or to the Supreme Court at a special term thereof in the second judicial district, at a time and place to be named in such notice, which time shall be not less than fourteen days after the first publication thereof. During the said space of fourteen days, the said report shall remain open to the inspection, free of expense, of all persons interested therein, and any such person may, within that time, appeal from the said report, by serving a notice of appeal upon the clerk of the city, at least five days before the time when the report is to be presented to

Report to  
be filed.

Notice of  
review of  
report.

Objections to  
be in  
writing.

City clerk  
to publish  
notice of  
application to  
court to confirm  
report.

Report to  
be open  
for inspection.

Appeal,  
how  
taken.

the court for confirmation; which notice of appeal shall contain a brief statement of the objections to said report, and the particulars in which it is contended the same ought to be altered; and such notice shall be accompanied by copies of the affidavits which shall have been delivered to the commissioners, at their meeting to review their report (if it be intended to use or refer to such affidavits on the hearing of the appeal).

Proceed-  
ings on  
appeal.

§ 10. Such appeal shall be heard by the court to which the said report shall be presented for confirmation, at the time the same shall be so presented. The affidavits, of which copies shall have been so delivered and served as aforesaid, but no others, may be read against confirming the said report, and affidavits may also be read to sustain the same, but no cause against such confirmation shall be heard except an appeal shall have been made in the manner provided in the last section. If no sufficient reason to the contrary shall appear to the court, they shall confirm said report; or, if in their opinion the same ought not to be confirmed, they shall refuse to do so; and in the event of such refusal they shall refer it back for revision and correction, to the same or other commissioners, who shall proceed to revise and correct the same, and file it or a new report with the clerk of said city. The clerk shall thereupon cause a new notice to be published in the manner required in the last preceding section, of the filing of such report, and of an application to be made for the confirmation of such report. The said report may be appealed from in the same manner and within the time specified in said last preceding section, and such appeal shall be proceeded upon and such report disposed of in the manner required by this section; and as often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section upon a first reference back to the commissioners. The court shall have power to direct specific alterations in such report, and such alterations shall then be made in its presence, and they may thereupon confirm the report so amended without further notice. The court to which any such report shall be presented for confirmation, shall have discretionary

Court may  
send  
report  
back for  
revisal.

New  
report  
may be  
appealed  
from.

Costs.

power to award costs against the appellant in cases where the appeal shall not be sustained.

§ 11. Whenever it shall appear to the court granting such order of confirmation upon motion of the common council, that an error has been committed by the commissioners in their report in the name or names of the person or persons whose lands are to be taken for such improvements, or in the name or names of the persons whose lands are assessed for benefits resulting therefrom, the court shall recommit the report to the commissioners, with directions to reform and amend the same in the particulars named in the notice of motion, and the commissioners shall thereupon proceed to make such amendment by striking therefrom the name or names of the person or persons erroneously named therein, and by substituting in place thereof the name or names of the real and true owners of such lands; which report so amended and reformed shall be again filed with the city clerk, and which amendments are hereby declared to be part and parcel of such commissioners' report; provided, nevertheless, that such order shall not be granted unless it shall appear to the court that ten days' notice of the time and place of making such motion, and specifying particularly the proposed amendments, has been given to the person or persons whose name or names it is proposed to strike from or insert in such report.

Court may recommit report to be corrected in certain particulars to be specified.

Order not to be granted, except on notice.

§ 12. And if it shall appear to the said court that the title to any part of the said premises taken, and for which any award was made, was subject to any incumbrance or incumbrances, at the time of the confirmation of the said report by the court, the said court may order that the amount of the said award, or so much thereof as may be necessary to satisfy said incumbrances, be paid to the party or parties holding the same, according to their respective rights, or be deposited to their credit in like manner, in all respects as aforesaid, unless the owner or owners of said premises, or any of them, shall object to any such payment or deposit; in which case such amount shall be deposited to the credit of the clerk of said court, subject to be paid out only on the order of said court, on a settlement of the rights of the parties. And the said court shall proceed, without

Proceedings in case premises taken are incumbered.

delay, to determine the rights of the said incumbrances, and shall make such rule or order as may be equitable and according to the rights of the several parties; and if any of the parties concerned are dissatisfied with any decision or order of the said court in the premises, such party or parties may, within ten days thereafter, file his or their exception to the same, and thereupon an issue may be made up and tried in said court, to determine the rights of all or any of the parties in that behalf, upon which the said court shall render judgment as in other cases. And the said court may, from time to time, make such rules and regulations relating to the practice and proceedings in said matters under this section as shall be deemed proper. After the report of the commissioners shall be confirmed as aforesaid, the said report shall be delivered to the common council, who shall then be authorized to cause such improvement to be made. All assessments contained in the report so confirmed shall be liens on the premises on which the same are assessed, and shall be collected in the same manner as is hereinafter provided for the collection of taxes for city purposes, and the premises charged with such assessment may be sold for the payment thereof, and all the provisions of the fifth title of this act in relation to sales for taxes shall apply to sales for the collection of such assessments, and the same when collected shall be paid to the city treasurer. The said treasurer shall pay to the persons to whom compensation is awarded in such reports, the amount awarded to each respectively without any deduction; and in case such persons or any of them shall refuse to accept such damages, the said treasurer shall deposit the same in one of the banks of said city, for the use of such persons, and payable to his or her order. And in case any person to whom compensation is awarded shall be an infant or insane, or not a resident of this State, or unknown, the court confirming such report, at the time of such confirmation, or on a subsequent application, shall direct where and in what manner such compensation awarded to such person shall be paid or deposited to his or her benefit, and the treasurer shall pay or deposit the same accordingly.

When common council to make the improvements.

Assessments to be liens and be collected in same manner as taxes for city purposes.

Payments in case of infants, etc.

And if the amount belonging to any infant is deposited as aforesaid, the fact of such infancy shall be stated in the entry of such deposits upon the books of the bank where the same shall be made, and the amount deposited shall not be paid to the guardian or trustee of said infant until an order of the said court is obtained authorizing such payment. Upon such compensation being duly paid or deposited as aforesaid, the land for which the compensation was awarded may be taken and appropriated by the city for the purpose of the improvement as stated in the order directing the same.

Fact of  
infancy to  
be stated  
in entry of  
deposits.

When  
lands may  
be taken.

§ 13. Whenever the common council shall cause any street to be graded, leveled or paved, or any sewer, aqueduct or bridge to be built, they shall ascertain the expense of such improvement, and shall fix the limit or district of assessment beyond which the assessment thereof shall not extend; they shall enter the amount of such expense and a description of such limit or district in the minutes of their proceedings, and shall then cause a warrant to be issued to the assessors of said city directing them to assess the said amount (after deducting the proportion, if any, which shall have been ordered, pursuant to the second subdivision of the first section of this title to be paid out of the city treasury) upon such of the real estate as they shall deem benefited by the improvement. The assessors shall thereupon assess the amount specified in said warrant as therein directed, and shall make and return to the common council a report, wherein they shall briefly describe each parcel of real estate, on and in respect of which any such assessment is made, and the amount assessed upon each parcel of land, which report shall be signed by the assessors and be delivered by them to the clerk of the city, who shall thereupon cause a notice to be published twice a week for two weeks in a public newspaper printed in said city, that such assessment has been made and filed, and that the common council will meet at a time to be named in said notice, not less than fourteen days after the first publication thereof, to hear any objections which may be made to such assessment, and in the mean time the said report may be examined without expense by any person desiring to examine the same. At the time and

Common  
council to  
ascertain  
expense  
and limit  
district of  
assessment  
and issue war-  
rant to  
assessors.

Assessors  
to assess  
amount  
and  
report to  
common  
council.

Notice of  
assessment  
to be pub-  
lished.

Review  
of assess-  
ment.

place specified in such notice the common council shall hear such objections as shall be made to the said assessment, and shall review the same and may adjourn such proceedings from time to time, and may alter, correct, modify, and amend the said assessment in any particular which they may deem proper; and when they shall deem it to be correct, they shall confirm the same, and the amount shall then be collected in the manner hereinbefore provided for the collection of taxes for city purposes, and each assessment shall be a lien on the premises on which it is assessed, and may be collected by a sale of such premises, and all the provisions of the fifth title of this act in relation to the collection of taxes for city purposes, and the sale of lands and taxes, shall apply to the collection of such assessment and to sales therefor; and such assessments, when collected, shall be paid to the treasurer of the city.

Map and  
description  
of  
streets,  
etc., to be  
made and  
recorded.

§ 14. The common council shall cause a description and map to be made of all the streets, highways, alleys, lanes, side and crosswalks, drains, sewers, public grounds and cemeteries, in said city heretofore laid out, or which shall have been dedicated to the public or given to the village of Newburgh, or which shall have been used or occupied by the public for twenty years, which description shall be recorded in a book to be kept by the clerk for that purpose, and said map shall be filed and kept in the office of said clerk. A description of every street, public ground, sidewalk, crosswalk, drain, water pipes, stop cocks, blow cocks and sewers, thereafter made or altered, or discontinued, shall be recorded in the same book or a set of books to be kept for that purpose, and a map of every new street hereafter made, and of every alteration in a street, shall be made and filed with and kept in the office of said clerk. Such record and maps shall be prima facie evidence of the facts therein stated, described or portrayed, in all actions and courts.

Alterations here-  
after  
made to  
be re-  
corded.

§ 6. Title seven of the act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows.

TITLE VI.

OF THE POLICE DEPARTMENT.

SECTION 1. The recorder of said city shall, except in cases of his absence from the city, or inability from sickness or other causes to act, have jurisdiction exclusive of any justice of the peace or other officer of said city, except the mayor and judges of courts of record, to issue all criminal process, and all process other than in civil actions, which a single justice or two justices of the peace in towns are empowered or directed by law to issue; to hear all complaints and conduct all examinations in criminal cases; to hold courts of special sessions with all the power and jurisdiction of such courts as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are triable by courts of special sessions, and to commit for trial all persons who shall be guilty of felonies not triable in such courts. Said recorder shall have power to let to bail persons charged with crime or examined on any criminal offense before him in all cases of misdemeanor and in all cases of felony, where the imprisonment in the State prison, on conviction, cannot exceed five years. The recorder shall also have the same right, power and authority, within said city to administer oaths and take affidavits and acknowledgments, that justices of the peace now have, and shall be entitled to charge and receive therefor the same fees from any and all persons, except the attorney or person or persons or officers acting for, or in the business of the city. In such cases no fee or reward shall be taken. The said recorder shall have the same jurisdiction, powers and authority as justices of the peace in civil actions, brought by the city of Newburgh, for the recovery of fines and penalties for violations of any city ordinances, and shall be entitled to demand and receive, for his own use in such civil action, the same fees as justices of the peace are or may be entitled to by law. And said recorder shall have the same jurisdiction and authority as a justice of the peace, in bastardy proceedings under the laws of this State, and shall be entitled to demand and receive, for his own use, in such proceed-

Jurisdiction of recorder.

Power to let to bail.

May take acknowledgments and affidavits.

Jurisdiction in civil actions.

In bastardy cases.

ings, the same fees as a justice of the peace is or may be entitled to by law. And said recorder and one justice of the peace, together acting in such bastardy proceedings, shall have the same powers as two justices of the peace would have therein.

Common council to provide office for recorder.

§ 2. The common council of said city shall provide a suitable office in said city for said recorder, whose duty it shall be to attend at such office at all reasonable hours, and to hear all matters within its jurisdiction.

In case of sickness, etc., duty and powers conferred on justices of the peace.

§ 3. In case of sickness, absence from the city, disability, or inability to act of the said recorder, his powers and duties are hereby conferred and imposed upon either of the several justices of the peace of said city; and in case any warrant, issued by the said recorder, shall be returned during his absence from said city or sickness, any further proceedings on such warrant may be had before any justice of the peace of said city; and a justice of the peace, having once obtained jurisdiction over any matter under this section, may retain it, and proceed to the determination of it, and shall be entitled to receive for his services the same fees that justices of the peace are by law entitled to receive, to be audited, allowed and paid in the same way. In signing process he shall add his official title, "acting as recorder."

Not to receive fees for services in criminal cases to his own use.

§ 4. The said recorder shall not be entitled to receive for his own benefit any fees for services performed under this act in criminal proceedings, but he shall demand and receive in all such proceedings before him, and for all such services rendered by him as such recorder, the fees provided by law, and all fees and charges which may be legally payable whenever any criminal suit or proceeding pending before him shall be settled or dismissed by consent, including constable's fees. All such costs and fees, and all fines imposed and collected by said recorder, shall be paid to the city treasurer once in every month, at which time he shall present to said treasurer a detailed account thereof, showing what part of such fines were received for violation of the excise law. The recorder shall keep an account of all criminal business done by him which are county charges, and, on the first day of November in each year, said recorder shall make out

Costs and fees to be paid monthly to treasurer.

To keep an account of criminal business and pre-



and file with the clerk of the board of supervisors of Orange county, in due form of law, properly verified, an account of such services chargeable to the county. Such account shall be audited and allowed by the board of supervisors as a county charge, and shall be paid by their draft to the treasurer of the city of Newburgh. The recorder shall receive an annual salary of one thousand dollars, and shall be entitled to the use and occupation of a suitable room, to be furnished by the common council, as provided by section two. Said salary shall be payable by the city treasurer quarterly. The docket of said recorder shall contain a record of all convictions and judgments before him, and shall be open to public inspection at all times during office hours.

sent bills  
to super-  
visors of  
Orange  
county.

Salary.

Docket.

§ 5. The mayor or recorder of the city may hear, in a summary way, any complaint for any violation of the laws of the State or the ordinance of the corporation against any person to whom a license of any description may have been granted in pursuance of this act, and may compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode or business; and from the time of such service, such license shall be deemed to be annulled or suspended, according to the tenor of such determination until the same shall be reversed by the common council. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the person complained of, and such person may appeal from the determination of the mayor or recorder within forty-eight hours after the same shall have been made to the common council, who shall have the power to reverse or affirm the same; but such appeal shall not suspend or in any manner affect such

Mayor or  
recorder  
may sum-  
marily  
hear com-  
plaints for  
violation  
of ordi-  
nances by  
persons to  
whom  
licenses  
are  
granted.

Notice of  
hearing to  
be served

determination until the decision of the common council thereon.

Police  
consta-  
bles.

Qualifi-  
cations of  
police  
consta-  
bles.

Powers of  
police  
consta-  
bles.

Duties of.

§ 6. The mayor, with the consent of the common council of said city, shall annually, as soon as practicable after the annuall election, appoint not more than twenty proper persons to be police constables for said city, who shall hold their office for one year and until their successor shall be appointed, and thereupon the office of police constable of the town of Newburgh, as created by the Laws of eighteen hundred and fifty-three, shall be abolished. But no person shall ever be appointed to membership in the police force of the city of Newburgh, or shall continue to hold membership therein, who is not a citizen of the United States or who has ever been convicted of crime, or who cannot understandingly read and write in the English language, or who shall not have resided in the State during one year next preceding his appointment. The said police constables shall possess the exclusive power of serving all criminal and other process issued by the recorder or acting recorder or mayor, except in such civil actions or proceedings as may be commenced before the recorder pursuant to this act, in which they shall have concurrent power with the civil constables of said city; and they shall perform all acts in relation to criminal offenses which police officers or constables are authorized to perform, except that every police constable of said city shall have power to arrest and take before a proper officer for examination any person who may, in the view or presence of such officer, be guilty of any offense against any of the laws or statutes of the State. It shall be the duty of said police constables to attend at the recorder's office at all reasonable hours of the day; to obey at all times all process or directions of the mayor or recorder, duly issued or given, for the preservation of the public peace and order, and to make arrests whenever they shall be called upon or sent by the mayor, recorder or common council, to keep the public peace, or to arrest any person charged with any offense. In any case of the continued absence, detention or inability to act of all of said constables, the mayor, recorder or acting recorder may designate any person,

by appointment in writing, or by directing the process to be served by such person, to serve any process issued by either of such officers. Every person so appointed shall possess all the powers of a police constable under this act, in relation to the particular process or service for which he is appointed, or which he is directed to serve, if designated by a separate appointment.

§ 7. The said police constables shall not be entitled to receive for their own use any fees for services performed by them of a criminal nature, issued by the mayor or recorder, or any justice of the peace acting as recorder under this act; but each one shall receive the annual compensation of seven hundred dollars, except that the sergeants of said police shall receive an annual compensation of seven hundred and fifty dollars, and in addition thereto the usual mileage in all cases of felonies, in which he shall have traveled more than two miles to perform the services. Each one of said officers shall keep a book, in which shall be entered all business done by him, and shall make out his account of all such business in cases of felonies against the county of Orange, duly verified by him, which shall be audited, and shall annually, at the time of the presentation of claims against the county, make out an account of all charges made by him against the county for services rendered in cases of felonies, duly verified, and present the same to the board of supervisors of the county of Orange, which board shall audit and levy the same as other county charges, and hand the same over to the treasurer of the city of Newburgh as moneys belonging to the said city. The salary of said police constables and their mileage fees, allowed by this section, shall be audited and paid as other charges against said city, out of the police and light fund thereof.

Police constables not to receive fees to their own use. Salary.

To keep an account of all business done in case of felonies and present bill therefor to supervisors of Orange county.

§ 8. The mayor of said city shall be authorized, whenever the public interest shall require, to appoint special constables, not exceeding fifty in number, who shall hold their office by virtue of such appointment, for such period as the mayor shall direct, not exceeding two weeks under any one appointment. Such special constables shall forthwith take the oath of office, and shall

Special constables, when to be appointed.

Official oath.

thereupon become vested with all the powers, and shall discharge all the duties of police constables under this act, and in pursuance of the statutes of this State, as they may be directed by the mayor or other competent authority; and whenever any special constables shall be appointed by the mayor of said city they shall take an oath of office in like manner, and shall possess the power and discharge the duties of police constables as aforesaid, and for which service they shall receive such compensation as shall be fixed by the common council.

Marshal to perform duties of police constable.

The marshal of said city shall also possess all the powers and be bound to discharge the duties of a police constable, as prescribed by this act.

§ 8. Title nine of an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, is hereby amended so as to read as follows:

## TITLE IX.

### OF WATCH AND LIGHTS.

Police constables to act as night watchmen.

SECTION 1. The police constables appointed by the mayor and common council, as in this act provided, shall also perform the duties of night watchmen of said city; and the common council shall have power to make all needful orders, rules and regulations for their government. And said common council shall also provide for lighting the streets of said city, or such of said streets as they shall deem proper, with gas or other suitable material, and to provide for erection or maintenance of all necessary lamp-posts and lamps. And an amount sufficient to pay the expenses of said police constables, as in this act provided, and of lighting the streets, as aforesaid, to be called the "Police and Light Fund," shall be raised annually, by a tax upon the real and personal property in said city, and shall be assessed thereon by the city assessors in proportion to the benefit which each person taxed shall derive from such police and light, as near as said assessors can estimate the same, and the amount so assessed shall be collected by the city collector upon a warrant to be issued to him for that purpose by the common council. And all the

Common council to provide for lighting streets.

"Police and Light Fund."

provisions of this act in relation to the assessment and collection of taxes, so far as applicable, shall apply to the tax authorized by this section, and the amount of such tax shall be paid to the city treasurer, and shall be kept separate from other city funds, and shall be applied to the support of the said police constables and the lighting of the streets aforesaid.

§ 2. All acts and parts of acts inconsistent and in conflict with this act, are hereby repealed; but such repeal shall not affect any proceedings already commenced under said conflicting acts. And all such proceedings shall be continued and perfected in the same manner and with the same effect as though this act had not been passed. But all sales of real estate made after this act takes effect, for any tax or assessment, shall be made in accordance with the provisions of this act; and from and after the passage of this act no action shall be maintainable to recover any assessment made against any person or corporation for the expense of opening or grading any public street in said city.

Proceedings already commenced not to be affected by repeal.

Sales of real estate to be made in accordance with this act.

§ 3. This act shall take effect immediately.

## Chap. 552.

AN ACT to amend an act entitled "An act to authorize the construction and use of a railroad from the southerly side of Newtown creek, in the city of Brooklyn, to the village of Astoria, and through certain streets of said village," passed May fifth, eighteen hundred and sixty-three.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The president and directors of the Hunter's Point, Ravenswood and Astoria Railroad Company, organized under the general railroad law passed April second, eighteen hundred and fifty, are hereby further authorized and empowered to lay their tracks through and along Hamilton and Hancock streets, or the exten-

May extend track through Hamilton and Hancock and other streets.

Proviso.

sions of said streets, in the third ward of Long Island City, and also through Webster avenue from the East river to Jackson avenue; thence to and through Tenth avenue to Grand street; thence to and through Fifteenth avenue to Flushing avenue in said Long Island City, provided the consent of the holders of two-thirds of the property fronting on said streets be first obtained.

§ 2. This act shall take effect immediately.

## Chap. 553.

AN ACT to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisboro, Poundridge and Rye, in the county of Westchester.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

The R. & N. Y. R. Co may construct its road through towns of Lewisboro and Poundridge to a point in Rye.

SECTION 1. The Ridgefield and New York Railroad Company, an organization chartered under the laws of the State of Connecticut, approved June seventh, eighteen hundred and sixty-seven, is hereby authorized and empowered to construct and operate said railroad through the towns of Lewisboro and Poundridge, in the county of Westchester, on or near the line upon which said road is now located, and to such point in the town of Rye, in said county, as said company may hereafter determine.

Powers and liabilities.

§ 2. The said company is hereby vested with the same powers which are or may be conferred by law upon railroad corporations organized under the act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and the various acts amendatory thereof; and in respect to the railroad hereby authorized, the said company shall be subject to the same same duties, restrictions and liabilities as are or may be imposed by law upon railroad corporations organized under said act not inconsistent with said charter; and nothing herein contained shall impair any

of the rights or powers conferred upon said company by its charter.

§ 3. All contracts that have heretofore been made by said company for obtaining the right of way for said railroad, whether by donation or purchase, are hereby declared legal and binding.

Contracts heretofore made for right of way legalized.

§ 4. The said company is hereby authorized to construct a railroad with one or more tracks, of suitable width or dimensions, to be determined by the said company on the course designated by the directors as aforesaid; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, and shall have power to erect station-houses and other necessary buildings for the accommodation of their concerns, and also to fix, regulate and receive the charges by them to be received for the transportation of persons or property on the said road: Provided, always, that such charges for the transportation of any passenger and his ordinary baggage shall not exceed, in the aggregate, the sum of three cents per mile on that part of said road within this State.

Authorized to construct railroad, fix rates of fare, etc.

Rate not to exceed three cents per mile.

§ 5. This act shall take effect immediately.

## Chap. 554.

AN ACT to amend an act entitled "An act to lay out, open and grade Sixtieth street in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings," passed April sixth, eighteen hundred and seventy-one.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of the act entitled "An act to lay out, open and grade Sixtieth street, in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings," passed April sixth, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Amount of balances of assessments to be returned to commissioners.

Notice, what to contain.

Unpaid assessments to be returned to supervisors and included in annual tax.

Commissioners to regulate and grade street, assess expenses, etc.

§ 4. The amounts of the balances of assessments on the lands assessed in said report shall be by the said commissioners returned to the commissioners hereinafter named, who shall thereupon cause a notice to be published for ten days in two daily newspapers published in the city of Brooklyn, that such assessments have been completed and deposited with them at a place to be designated in said notice, and that the parties assessed may pay their assessments to them at any time within thirty days from the first publication of such notice, and be entitled to a deduction of five per cent. for collector's fees; provided, however, that in case bonds shall have been issued, as hereinafter authorized, such assessments in said towns shall be paid by the said commissioners, hereinafter named, to the supervisors of said towns, respectively, for the redemption of said bonds. Such assessments as shall not have been so paid to the said hereinafter named commissioners, shall be by them returned to the supervisors of said towns and of said city, and shall, together with interest at the rate of seven per cent. per annum, from the time of filing the said report until the expiration of the warrant of the collector, be added by the supervisors of the county of Kings to, and made part of, the annual taxes for the ensuing year upon the lands and premises upon which they may be assessed, respectively, and shall, when collected, be paid to the said commissioners hereinafter named, to be applied by them as by this act directed.

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. Upon the confirmation of the said report, Henry A. Kent, Peter Wyckoff and John C. Robert, and in case they or either of them shall, by removal from the county of Kings, death, resignation or any other cause be incapacitated from acting, such person or persons owning land assessed for said opening as the supervisors of the said towns shall designate, in their places by appointment in writing, to be filed in the office of the clerk of the county of Kings, shall be authorized to enter upon the lands and premises to be taken for said street, and cause the same to be regulated and graded for public travel, and assess the expense thereof upon



the lands and premises fronting on said street, and lying in the rear thereof to the distance of one hundred feet from each side of said street, said assessment to be laid ratably according to the number of feet front on said street, and as between front and rear land according to proportional benefit in their judgment, with five per cent. added for collector's fees. They shall make up their assessment in writing, giving the names of the owners of said lands respectively, as far as the same are known, and if not known they shall so state; and said assessments shall be collected by them in like manner as the assessments for the opening of said street, and the same proceedings had with reference to them as hereinbefore provided in the case of the assessments for the said opening; and no assessment upon any parcel shall be invalid because the owner thereof shall not be named, or shall be incorrectly named. The moneys received by said commissioners from said assessments shall be applied by them to the payment of the awards and expenses of said opening, and for the said grading respectively. The said commissioners are also authorized to dispose at public or private sale, as they may deem most expedient, if such buildings or other improvements as may be taken in opening such street, and the proceeds thereof, shall be applied to the payment of the expenses of regulating and grading the section of street in opening which such buildings or improvements shall be taken.

Assessment, how made up.

Commissioners to sell buildings, etc.

§ 3. This act shall take effect immediately.

## Chap. 555.

AN ACT to provide for the election of a police justice in and for the village of Cayuga, and defining his powers and duties.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There shall hereafter be elected in the village of Cayuga, in the same manner as by law the

Police justice.

trustees of said village are elected, a police justice, who shall hold his office during the term of four years.

When  
to be  
elected.

Vacancy,  
how  
filled.

§ 2. The election for such justice shall be held at the same time with the annual village election; except as hereinafter provided, and his term of office shall commence on the first day of the following month. In case of a vacancy in said office, from any cause, the trustees of said village shall appoint a police justice for the purpose of filling such vacancy until the next village election, and the person so appointed shall enter upon the performance of the duties of such office on the day following such appointment, and in the meantime the justice of the peace of the town of Aurelius, designated as hereinafter provided, shall perform the duties of police justice of said village.

Jurisdic-  
tion.

§ 3. He shall have jurisdiction of all criminal matters within the corporate limits of said village, of which justices of the peace and courts of special sessions now have, or hereafter shall have, jurisdiction within the towns of this State, except as hereinafter provided. He shall also have jurisdiction to try, and shall proceed to try, all persons brought before him, accused of any crime of the grade of misdemeanor, or of a lesser degree, and not punishable by imprisonment in the State prison, but any such person shall have the right of trial by jury, as provided in courts of special sessions, if he shall demand the same. Said justice shall, in all things relating to the mode and manner of procedure in this court, and in the arraignment or trial of parties accused, be governed by the same laws and rules as justices of the peace or courts of special sessions.

Exclusive  
jurisdic-  
tion.

§ 4. The said police justice shall, in said village, also possess exclusively all the jurisdiction, power and authority which are now vested in justices of the peace in the town of Aurelius, in relation to violations of the charter, by-laws or ordinances of the village of Cayuga, and appeals from his judgment may be taken to the county court of Cayuga county, in the same manner as from judgments of justices of the peace.

To keep  
record.

§ 5. He shall keep a record of all proceedings before him, in which shall be entered all judgments he may

render, all fines or penalties imposed, and whether collected, and, if so, when and how.

§ 6. Said police justice shall collect and receive all fines, fees, penalties and allowances that are by law collectable by justices of the peace, or courts of special sessions, or that may be imposed and received by him, to enforce the charter, by-laws or ordinances of said village. And on or before the tenth day of each month he shall make out and return to the clerk of said village, in such form as the board of trustees may prescribe, a sworn tabular statement of all such fines, penalties and allowances imposed, received or collected by him, either directly or indirectly, during the month last preceding; and with it the receipt of the treasurer of said village, showing that said justice had paid into the village treasury the amount of all such fines, penalties and allowances, as shown by such statement, for the benefit of the village; and any omission to render such statement and pay over such fines, penalties and allowances, or any part thereof, on or before the twentieth day of each month, and any willfully false statement or omission to set out in such statement any portion of such fines, penalties and allowances received by him shall be sufficient cause for removal of said police justice from office.

To collect  
fines, fees,  
etc.

To make  
return of  
same with  
treasurer's  
receipt.

Failure to  
make re-  
turn and  
pay over  
fines, etc.,  
cause for  
removal.

§ 7. The board of trustees of said village shall designate and appoint one of the justices of the peace of the county of Cayuga, residing in said village, who, during the term of his office as justice of the peace, at any time when said police justice shall be unable to perform the duties of his office on account of necessary absence, sickness or any other cause that does not vacate his office, shall have all the powers and jurisdiction, and perform all the duties and be subject to all the regulations and penalties herein provided as to said police justice.

Justices to  
designate  
justice of  
the peace  
to act in  
absence,  
etc., of  
police  
justice.

§ 8. Immediately after the passage of this act, the board of trustees of said village shall give the necessary notice of an election for said police justice, and the term of office of the justice elected at such election shall commence as soon after such election as said justice shall take the oath of office as herein prescribed, and his

Election,  
when to  
be held.

term of office shall continue until the first day of February, eighteen hundred and seventy-six.

Official  
oath.

§ 9. Every person elected or appointed police justice of said village shall, before entering on the duties of his office, and within ten days after official notice of his election, take and file with the clerk of Cayuga county the constitutional oath of office.

§ 10. This act shall take effect immediately.

## Chap. 556.

AN ACT to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corporation may, by consent of two-thirds of shareholders, sell property and divide proceeds, etc.

SECTION 1. The New York Produce Exchange Company, a corporation created and organized in May, eighteen hundred and sixty, under and in virtue of the general act authorizing the formation of corporations for the erection of buildings, and possessing a building by it erected, which is now used as a produce exchange, or place of meeting for merchants and others engaged in produce and other business, is hereby authorized and empowered, provided two-thirds in amount of its shareholders shall, in writing, consent thereto, to sell and convey the whole or any part of its property, and in case of such sale and conveyance being made, to distribute the proceeds thereof amongst its shareholders in due proportion to their respective shares; provided, always, that it shall not be lawful to make any such distribution among its shareholders until all its debts and liabilities, if any there be, shall have been fully paid and satisfied. And the consent of shareholders required by this section, may be acknowledged or proved in the manner provided by law, for the proof or acknowledgment of deeds, and thereupon recorded in the office of the register of deeds of the city and county of New York, and a certified copy of such record shall be prima

Consent,  
how  
proved.

facie evidence in like manner as provided by law as to the record of a deed.

§ 2. This act shall take effect immediately.

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## Chap. 557.

AN ACT to provide for supplying the village of College Point, in the county of Queens, with pure and wholesome water.

. Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For the purpose of supplying the village of College Point with pure and wholesome water, the trustees of said village are authorized to negotiate and contract with the trustees of the village of Flushing for supplying the village of College Point with water from the works to be erected and maintained by the village of Flushing, and may enter into such contract for supplying such water for such term of years as shall in their judgment be for the best interest of said village of College Point, pursuant to the provisions of section eleven of the act of the Legislature of the State of New York, entitled "An act for supplying the village of Flushing, Queens county, with pure and wholesome water," passed eighteen hundred and seventy-two.

Trustees may contract for supply of water.

§ 2. The said trustees shall have power, and it shall be their duty, to borrow from time to time, for the purpose of this act, upon the credit of said village of College Point, a sum not exceeding in the whole one hundred thousand dollars, and upon such terms of credit, of not less than twenty years nor more than thirty years, as shall seem for the best interest of said village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said loan, said trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof, which bonds shall be made of such amounts, respectively, as said trustees shall think expedient; and the money so borrowed on said bonds shall

Trustees may borrow, not exceeding \$100,000, for such purpose and issue bonds therefor.

be appropriated by said trustees to the purpose expressed in this act, and to no other purpose whatever.

Right to  
use high-  
ways, etc.,  
to lay  
pipes, etc.

§ 3. The trustees, and all persons acting under their authority, shall have the right to use the ground or soil of or under any highway or road, in said town of Flushing, or in said village of College Point, for the purpose of introducing water into and through all or any parts of said village of College Point, on condition that they shall cause the surface of such highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired; and such right shall be continued for the purpose of repairing or relaying water pipes, upon like conditions.

Rules and  
regula-  
tions con-  
cerning  
use of  
water,  
etc.

Water  
rates.

§ 4. The trustees of said village are hereby empowered, and it shall be their duty, to establish rules and regulations for and concerning the use, regulation and operation of said water-works, and may thereby impose penalties and forfeitures, for any violation of such rules and regulations, but such penalties or forfeitures shall not in any case exceed twenty dollars. Said trustees shall establish a scale of rents to be charged and paid to said trustees, from time to time, by the owners or occupants of buildings in said village, for the supply of water, to be called "water rents," apportioned to the different classes of buildings in said village in reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for stores, dwelling-houses, shops, hotels, factories, stables or other purposes, the number of occupants or consumption of water, and from time to time may either modify, amend, increase or diminish such rents; and said trustees and their agents shall be authorized at all times to enter into any building or place where water is used from supply pipes to examine as to the amount of water used and the manner of using it.

Supply  
pipes, by  
whom  
inserted  
and kept  
in repair.

§ 5. The connecting or supply pipes leading from buildings or other private property to the distribution pipes shall be inserted and kept in repair at the expense of the owners or occupants of said building or other property, and shall not be inserted or connected with the said distribution pipe until a permit therefor shall have been obtained from said trustees or their agent

duly authorized to grant the same, and all such connecting or supply pipes shall be constructed in the manner directed by said trustees or their said agent.

§ 6. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works and extending the same, or the payment of such sums as may be agreed to be paid to the village of Flushing, and other necessary expenses connected therewith, and the proper supply of water to said village, shall be applied toward the payment of the interest on the loans on bonds hereinbefore authorized, and also toward the creation of a sinking fund for the payment of the principal of said loan as it shall become payable, which sinking fund shall be under the management of said trustees.

Receipts  
for water  
rents, how  
applied.

§ 7. In case the entire receipts for water rents, after making the deductions as in the last above section provided, shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued; or in case in any year when any of the principal of the loan secured by said bonds falls due, the amount of said receipts for water rents, after making said deduction, together with the sum in the said sinking fund, shall not be sufficient to pay said principal, and also the said interest falling due that year, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected, in addition to other taxes, on and from the taxable property of said village at the same time and in the same manner as the other taxes of said village are assessed, levied and collected, and the amount so raised shall be applied to the payment of said interest or principal, or both, or the deficiency thereof not otherwise provided for.

Deficiency, if any,  
to be  
raised by  
tax on  
village.

§ 8. The trustees of said village shall take no steps to carry out the provisions of this act, and it shall not be lawful for them to do so, until the same shall be approved by a majority of the voters of said village, voting by ballot at a special election to be called and held by said trustees within three years after the passage of this act, by giving at least eight days' notice before such election, by posting such notice in at least six public

Trustees  
not to  
contract  
for water,  
etc., until  
provisions  
of this act  
are ap-  
proved by  
a majority  
of voters  
of village.

Form of  
ballot.

Certificate  
of result to  
be filed.

Subse-  
quent  
elections.

and conspicuous places in said village, and by publication in all the newspapers of said village, once a week for two weeks. The polls at said election shall be open during the same hours, and such election be in all things conducted as are the annual elections for trustees in said village. The ballots received at said election shall be indorsed "water-works," and in order to be canvassed shall contain the words "in favor of bonding for water-works," or the words "opposed to bonding for water-works." If a majority of the ballots so canvassed shall contain the words "in favor of bonding for water-works," then the approval above mentioned shall be considered as being obtained. A certificate of the result of said election shall be filed by the canvassers thereof, in the office of the county clerk of Queens county, within five days after said election. In case, at the election so held, the approval aforesaid shall not be obtained it shall be lawful for said trustees to call and hold subsequent elections, in all respects to be called and conducted as prescribed for said first election, but no such succeeding election shall be held within six months of the time of holding a preceding election under this act.

§ 9. This act shall take effect immediately.

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## Chap. 558.

AN ACT to provide for supplying the village of Whitestone, in the county of Queens, with pure and wholesome water.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Trustees  
may con-  
tract for  
supply of  
water.

SECTION 1. For the purpose of supplying the village of Whitestone with pure and wholesome water, the trustees of said village are hereby authorized to negotiate and contract with the trustees of the village of Flushing for supplying the village of Whitestone with water from the works to be erected and maintained by the village of Flushing, and may enter into such contract for supplying such water for such terms of years



as shall, in their judgment, be for the best interest of said village of Whitestone, pursuant to the provisions of section eleven of the act entitled "An act for supplying the village of Flushing, Queens county, with pure and wholesome water," passed in eighteen hundred and seventy-two.

§ 2. The said trustees shall have power, and it shall be their duty, to borrow, from time to time, for the purpose of this act, upon the credit of said village of Whitestone, a sum not exceeding in the whole fifty thousand dollars, and upon such terms of credit, of not less than twenty years nor more than thirty years, as shall seem for the best interest of said village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said loan, said trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof, which bonds shall be made of such amounts respectively, as said trustees shall think expedient; and the money so borrowed on said bonds shall be appropriated by said trustees to the purpose expressed in this act, and to no other purpose whatever.

Trustees may borrow, not exceeding \$50,000, for such purpose and issue bonds therefor.

§ 3. The said trustees and all persons acting under their authority, shall have the right to use the ground or soil of or under any highway or road, in said town of Flushing, or in said village of Whitestone, for the purpose of introducing water into and through all or any parts of said village of Whitestone, on condition that they shall cause the surface of such highway or road, to be relaid and restored to its usual state, and all damages done to be repaired; and such right shall be continued for the purpose of repairing or relaying water pipes upon like conditions.

Right to use high-ways, etc., to lay pipes, etc.

§ 4. The trustees of said village are hereby empowered, and it shall be their duty, to establish rules and regulations for and concerning the use, regulation and operation of said water-works, and may thereby impose penalties or forfeitures for any violation of such rules and regulations, but such penalties or forfeitures shall not, in any case, exceed twenty dollars. Said trustees shall establish a scale of rents to be charged and paid to said trustees, from time to time, by the owners or

Rules and regulations concerning use of water, etc.

Water rates.

occupants of buildings in said village, for the supply of water, to be called "water rents," apportioned to the different classes of buildings in said village in reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for stores, dwelling-houses, shops, hotels, factories, stables, or other purposes, the number of occupants or consumption of water, and from time to time may either modify, amend, increase or diminish such rents; and said trustees and their agents shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the amount of water used and the manner of using it.

Supply pipes, by whom inserted and kept in repair.

§ 5. The connecting or supply pipes leading from buildings or other private property to the distribution pipes, shall be inserted and kept in repair at the expense of the owners or occupants of said buildings or other property, and shall not be inserted or connected with the said distribution pipes until a permit therefor shall have been obtained from said trustees or their agent duly authorized to grant the same, and all such connecting or supply pipes shall be constructed in the manner directed by said trustees or their said agent.

Receipts for water rents, how applied.

§ 6. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and extending the same, or the payment of such sums as may be agreed to be paid to the village of Flushing, and other necessary expenses connected therewith, and the proper supply of water of said village, shall be applied toward the payment of the interest on the loans or bonds hereinbefore authorized, and also toward the creation of a sinking fund for the payment of the principal of said loan as it shall become payable, which sinking fund shall be under the management of said trustees.

Deficiency, if any, to be raised by tax on village.

§ 7. In case the entire receipts for water rents, after making the deductions as in the last above section provided, shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued; or in case in any year when any of the principal of the loan secured by said bonds falls due,

the amount of said receipts for water rents, after making said deduction, together with the sum in the sinking fund, shall not be sufficient to pay said principal, and also the said interest falling due that year, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected, in addition to other taxes, on and from the taxable property of said village at the same time and in the same manner as the other taxes of said village are assessed, levied and collected and the amount so raised shall be applied to the payment of said interest or principal, or both, or the deficiency thereof not otherwise provided for.

§ 8. The trustees of said village shall take no steps to carry out the provisions of this act, and it shall not be lawful for them to do so until the same shall be approved by a majority of the voters of said village, voting by ballot at a special election to be called and held by said trustees, within three years after the passage of this act, by giving at least eight days' notice before such election, by posting such notice in at least six public and conspicuous places in said village, and by publication in all the newspapers of said village, once a week for two weeks. The polls at said election shall be open during the same hours, and such election be in all things conducted as are the annual elections for trustees in said village. The ballots received at said election shall be indorsed "water-works," and in order to be canvassed shall contain the words "in favor of bonding for water-works," or the words "opposed to bonding for water-works." If a majority of the ballots so canvassed shall contain the words "in favor of bonding for water-works," then the approval above mentioned shall be considered as being obtained. A certificate of the result of said election shall be filed by the canvassers thereof, in the office of the county clerk of Queens county, within five days after said election. In case at the election so held, the approval aforesaid shall not be obtained, it shall be lawful for said trustees to call and hold subsequent elections, in all respects to be called and conducted as prescribed for said first election,

Trustees not to contract for water, etc., until provisions of this act are approved by a majority of voters of village, at special election to be held for that purpose.

Form of ballot.

Certificate of result to be filed.

Subsequent elections.

but no succeeding election shall be held within six months of the time of holding a preceding election under this act.

§ 9. This act shall take effect immediately.

## Chap. 559.

AN ACT to authorize the city of Oswego to borrow and disburse moneys for city purposes.

Passed May 6, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

May  
borrow  
money to  
pay li-  
abilities in  
erecting  
city hall,  
etc.

SECTION 1. The common council of the city of Oswego shall have the power, and they are hereby authorized, to borrow such sum of money as they may deem necessary, not exceeding forty thousand dollars, upon the corporate bonds of said city, to be issued as herein-after directed, for the purpose of paying such debts and liabilities of said city and interest thereon, as have accrued in erecting and furnishing the city hall and filling up and fencing the grounds about the same, not represented by bonds of said city, together with the expenses of issuing and negotiating said bonds.

Bonds,  
how exe-  
cuted, in  
what  
sums and  
when pay-  
able.

§ 2. The common council of said city shall issue to the treasurer thereof the bonds of said city, to be executed by the mayor, under the seal of said city, and to be countersigned by the clerk of said city, in such sums, and from time to time, as said common council may direct, but to an amount not exceeding forty thousand dollars, for the purpose of paying such outstanding debts and liabilities; which bonds shall be payable within thirty years from the first day of January, one thousand eight hundred and seventy-two, and shall be conditioned to pay interest thereon, not exceeding seven per centum per annum, semi-annually, on the first days of January and July in each year, and to pay the principal in ten equal annual installments from and after the first day of January, one thousand eight hundred and ninety-two, and shall be sold at not less than par.

Tax to be  
levied  
annually.

§ 3. The common council of said city are hereby authorized and directed to cause to be assessed, levied

and collected, in each year, upon the taxable property in said city at the same time with the general city tax, and in addition to the sums which said council are now authorized by law to raise, such amount of money as shall be necessary to pay the interest and such an amount of the principal of said bonds as shall become due during said year, which money, when collected, shall be applied in paying said interest and principal as the same shall become due, as aforesaid.

§ 4. This act shall not take effect until it shall have been submitted to the tax-payers of the city of Oswego qualified to vote at a special election as provided by the charter of said city. Such election shall be held on the first Tuesday in June, eighteen hundred and seventy-two, when the common council of said city shall designate the place for holding such election, and notice thereof shall be published by the clerk of said city in all the daily newspapers published in said city at least ten days previous to such election. The inspectors of election chosen at the last charter election in the ward where said election is appointed to be held by the common council, shall preside at such election, and provide a box in which each elector, qualified to vote as aforesaid, may deposit a ballot on which shall be written or printed the words "for bonding the city" or the words "against bonding the city." Those ballots on which shall be written or printed the words "for bonding the city" shall be deemed to approve said act, and those upon which shall be written or printed the words "against bonding the city" shall be deemed as not approving the act. The said box shall be kept open for the reception of votes from eight o'clock in the morning until five o'clock in the afternoon on the day of election, and the inspectors of election presiding as aforesaid shall canvass the votes deposited in said box in the same manner as is now required by law in the election of charter officers by ballot, and within two days after such canvass shall certify and return to the clerk of the common council of said city the number of votes taken, designating how many were "for bonding the city" and how many were "against bonding the city." The mayor and clerk of the common council of the said city shall

Act not to take effect till submitted to tax-payers.

Special election.

Notice of

Inspectors to preside.

Form of ballot.

Polls to be open from 8 till 5.

Canvass.

thereupon immediately proceed to canvass the votes thus certified and returned, and shall make and file in the office of the clerk of the common council their certificate that the said act is approved or not as the case may be, by the votes of the majority of the tax-payers of said city voting at such election. Said act shall be published in the daily papers in the city of Oswego for five days previous to said election.

When act  
to be pub-  
lished.

§ 5. If the said act shall be approved by a majority of the electors of said city voting at such election as above prescribed, then the same shall take effect immediately after the filing of the certificate of such approval with the clerk of the said common council.

When to  
take  
effect.

§ 6. This act shall take effect immediately.

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## Chap. 560.

AN ACT to provide for the rebuilding of the bridge over the Oneida river, between the towns of Clay in the county of Onondaga, and Hastings in the county of Oswego at Caughdenoy.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sioners to  
contract  
for and  
superin-  
tend  
building  
of bridge.

SECTION 1. Robert T. Sumner, of the town of Clay, and John Yeomans, of the town of Hastings, are hereby appointed commissioners to contract for, and superintend the building of a bridge between the towns of Clay in the county of Onondaga, and Hastings in the county of Oswego, at Caughdenoy; in case of refusal or inability to act, of either of said commissioners or any successor of either, the county judge of the county in which such commissioner or his successor resides may appoint, in the place of said commissioner, a new commissioner who shall be an inhabitant and freeholder of the town in which said vacancy shall occur.

Expense  
limited.

§ 2. The entire expense of constructing said bridge shall not exceed the sum of ten thousand dollars, and shall be borne by the counties of Onondaga and Oswego,

and by the towns of Clay and Hastings in proportions as follows: One-third of the expense thereof by the county of Onondaga, one-third of the expense thereof by the county of Oswego, and one-sixth of the expense thereof by each of the towns of Clay and Hastings, and the funds therefor shall be raised as provided in the third section of this act. In no case shall the amount levied upon the county of Oswego exceed the sum of three thousand three hundred and thirty-three dollars.

By whom  
paid.

§ 3. The board of supervisors of the county of Onondaga, for their county and the town of Clay, and the board of supervisors of the county of Oswego, for their county and the town of Hastings, shall, each within their respective counties, cause to be assessed upon and collected from the taxable property of their respective counties, in the proportion as provided in the second section of this act, the sum of ten thousand dollars.

Super-  
visors to  
levy tax.

§ 4. In case the funds raised in accordance with the provisions of the third section of this act shall prove to be more than sufficient to defray all the expenses of the construction of said bridge, then the surplus or remainder thereof remaining in the treasury of each of said counties shall be applied by the supervisors thereof as follows: One-sixth to the commissioners of highways of each of the towns of Hastings and Clay to be applied to the support of roads and bridges, and one-third to each of the counties of Oswego and Onondaga to be applied to the support of the poor in each of said counties.

Surplus,  
if any,  
how  
applied.

§ 5. Said commissioners shall cause said bridge to be constructed with stone piers and cast or wrought iron or iron cord superstructures as they shall deem best, but before commencing it they shall cause a careful survey and plan, with an estimate of the cost thereof, including every expense to bring the same into full use for the public. Said commissioners shall advertise for not less than three weeks in the daily papers published in each of the cities of Oswego and Syracuse for proposals to build and construct said bridge according to the plans and specifications thereof as adopted and approved, and shall, on the day and at the place and time specified, open said proposals in public and award the contract or contracts for building said bridge to the

Bridge,  
how to  
be con-  
structed.

Commis-  
sioners to  
advertise  
for pro-  
posals.

Contract,  
to whom  
to be  
awarded.

lowest responsible bidder, who shall give adequate security, to be approved by said commissioners, for performing said work; the said commissioners shall enter into contract with the person or persons to whom such contract shall be awarded, requiring adequate security for the performance thereof, and fixing a method adjusting any disputes which may arise as to the quality of the work, or the time and manner of finishing the same.

Compensation of commissioners.

§ 7. Said commissioners shall receive each two dollars per day for the time actually and necessarily spent in the performance of the duties aforesaid; but the aggregate amount to be received by both commissioners shall not exceed four hundred dollars, and they shall report and render an account to each of the boards of supervisors of said counties of Onondaga and Oswego, when said bridge is finished, of the several plans, kind and nature of the materials used in the construction of the same, and its entire cost.

Commissioners to give bonds.

§ 8. Each of said commissioners before entering upon the duties herein authorized shall give a bond to the people of this State, with two or more sureties, to be approved by the supervisor of the town in which he resides, in the penalty of five thousand dollars, conditioned, that he will well and faithfully discharge the duties of the commission aforesaid, and pay over and account for all moneys which may come into his hands as such commissioner; and upon such approval indorsed thereon, the supervisor approving the same shall immediately file the said bond in the office of the treasurer of his county.

§ 9. This act shall take effect immediately.



## Chap. 561.

AN ACT to authorize the construction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said villages.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for Elbert W. Cook, E. B. Parsons, Edward J. Cowell, William H. Gibbs, William Newman, Daniel Beach, Abraham S. Stothoff and Samuel M. Barker and those who may now or hereafter be associated with them, to lay a rail track, with the necessary turnouts in and through certain streets in the village of Watkins and town of Dix, in the county of Schuyler, and in the village of Havana and town of Montour, in said county, commencing in the village of Watkins, at or near the depot of the Northern Central railway, at or near the foot of Franklin street, in said village, thence along Franklin street to the southerly bounds of said village, and thence along the public highway until it shall intersect the northerly limits of the village of Havana, thence up Genesee street in said village to Main street, with the privilege of extending the same through any of the streets of said villages of Watkins and Havana and towns of Dix and Montour, subject to the approval of the corporations of said villages, and upon the petition of said grantees.

Persons  
named  
may build  
railroad.

Route.

§ 2. The said grantees and their associates shall not be at liberty to lay such track in the village of Watkins without first obtaining the consent of the trustees of said village, nor shall they be at liberty to lay such track in the towns of Dix and Montour without the consent of the respective commissioners of highways in such towns first had and obtained, nor shall they lay such track in the streets of the village of Havana without first obtaining the consent of the trustees of said village.

Consent of  
trustees to  
be first  
obtained.

Track,  
how laid.

§ 3. The track of said road shall be laid of such iron rails as shall least obstruct the free passage of vehicles, and of at least the weight of twenty pounds to the yard, and the same shall be laid flush with the street and upon the grade, such as the trustees of said villages may establish, and said grantees shall keep the surface of the street inside of the rails, and for one foot outside thereof in good, proper order and repair.

Cars, how  
propelled.

§ 4. The cars to be used on said road shall be drawn by horses, and shall be run as often as the public interests shall require.

When  
road to be  
built.

§ 5. That portion of said road, as above described in the village of Watkins, shall be built in two years, the residue of said road in three years. The powers and privileges hereby granted are limited to the period of fifty years.

Fare.

§ 6. No greater amount than ten cents shall be charged for riding any distance within the corporate limits of Watkins or Havana, and riding the distance from Watkins to Havana or from Havana to Watkins shall not exceed twenty-five cents.

Must  
organize  
as a cor-  
poration  
within six  
months.

§ 7. Said grantees and their associates are hereby required, within six months after the passage of this act, to organize as a corporation under the general railroad act, passed April second, eighteen hundred and fifty. Such corporation, when formed, shall have the powers and be subject to all the provisions of the said act, not inconsistent herewith, except the following sections and amendments thereto, namely: The twenty-seventh, thirty-fourth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-fourth, and excepting also the number of associates and the amount of capital stock to be subscribed as required by the first and second sections of said act.

## Chap. 562.

AN ACT to amend the charter of the Society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April twelfth, eighteen hundred and forty-eight.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The society of St. John Land, incorporated under the provisions of an act entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed the twelfth day of April, eighteen hundred and forty-eight, is hereby authorized to take, hold, transfer and convey, for the purposes of its incorporation, in addition to the property now held by it, all such other property, real and personal, as has heretofore been given, devised, bequeathed, subject to to all provisions of law relating to devises and bequests by last will and testament, or conveyed to it, or may hereafter be given, devised, bequeathed or conveyed to it by any person or persons whomsoever, and the title to all property now owned or held by them is hereby confirmed, and the property of the said corporation shall be exempt from taxation.

What  
property  
may be  
held by  
corpora-  
tion.

Exempt  
from taxa-  
tion.

§ 2. This act shall take effect immediately.

## Chap. 563.

AN ACT to amend an act entitled "An act in relation to the custody and disposition of the money arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York," passed May third, eighteen hundred and seventy.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The seventh section of the act entitled "An act in relation to the custody and disposition of the money arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York," passed May third, one thousand eight hundred and seventy, is hereby amended by adding thereto as follows: The said town treasurer, whenever he shall be compelled to foreclose any mortgage held by him, either for the non-payment of interest money or of the principal sum whenever it shall become due, shall be capable in law, upon the sale of the said premises foreclosed, to purchase, take and receive, and hold in trust for said town, in his official capacity, any estate, real and personal, either by purchase or otherwise, and to sell and convey or otherwise dispose of the same, as to him or his successor shall appear most advantageous for the interest of said town.

Town  
treasurer,  
upon fore-  
closure of  
mortgages  
held by  
him as  
such  
treasurer,  
may pur-  
chase and  
hold real  
and per-  
sonal  
estate in  
trust for  
town, etc.

Official  
seal.

§ 2. The said town treasurer and his successors shall have an official seal the same to be affixed by making an impression directly on any paper or instrument required by law to be signed by him and recorded.

§ 3. This act shall take effect immediately.

## Chap. 564.

AN ACT to amend the charter of the village of  
Carthage, Jefferson county.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An act to amend the act entitled "An act to amend the act incorporating the village of Carthage, in the county of Jefferson," passed May eleventh, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 2. Section one of title two is hereby amended so as to read as follows:

§ 1. The officers of the village shall be as follows: A president, four trustees, one treasurer, one police justice, one clerk, one collector, one street commissioner, one or more assessors, a chief engineer of the fire department, one or more fire wardens, one or more police constables.

Village  
officers.

§ 3. Section two of title two is hereby amended by adding at the end thereof the following words: The said police justice shall hold his office for four years, except the justice first elected under this act, whose term of office shall, subject to the provisions of section four of title two, expire on the third Tuesday of March, eighteen hundred and seventy-six.

Term of  
office of  
police  
justice.

§ 4. Section nine of title two is hereby amended by adding thereto at the end thereof the following: And the police justice shall also, before entering upon the duties of his office, take and file with the clerk of Jefferson county the oath of office provided by the Constitution.

Police  
justice to  
take oath  
of office.

§ 5. Section eleven of title two is hereby amended by adding thereto at the end thereof the following: The first election under this act for police justice shall be held at the village hall on the first day of June next, at one o'clock in the afternoon, and continue till four o'clock of that day, and, thereafter, the election of

Election  
of police  
justice,  
when to  
be held.

police justice shall occur and be held at the time of the annual election.

§ 6. Section seven of title three is hereby amended so as to read as follows:

Exemption of firemen.

§ 7. Every member of the fire department shall, so long as he shall remain such member, be exempt from jury duty, from poll tax, and from serving in the militia, except in case of war, invasion and insurrection; and every person who shall serve in said fire department five years successively shall thereafter be entitled to the like exemption from jury duty, military service and poll tax; and a certificate of such service in the fire department, authenticated by the signature of the president and the seal of the corporation, shall be presumptive evidence before all courts and officers, civil and military, of such exemption.

§ 7. Section four of title four is hereby amended and numbered, sections four, five, six, seven, eight, so as to read as follows:

Jurisdiction of police justice.

§ 4. The police justice shall have exclusive jurisdiction in all criminal cases that may arise within the corporate bounds of the village of Carthage, with the same powers and subject to the duties and liabilities as a justice of the peace in such cases. He shall also have exclusive jurisdiction in all actions brought to recover fines or penalties for the violation of these acts, and of the by-laws, ordinances, rules and regulations of the village of Carthage; and all his judgments and proceedings may be reviewed in the same manner as is now or may be provided by law in cases of judgments and proceedings of justices of the peace. In case of his absence from the village, or if there be a vacancy in such office, or in case he be disqualified or unable for any reason to attend to his said duties, then in that case the same services may be rendered and performed by any one of the justices of the peace of the town of Wilna.

Any justice of town to act in case of absence, etc., of police justice.

Actions to recover penalties, etc., how brought.

§ 5. All actions brought in the police justices' court to recover fines or penalties for the violation of these acts and of the by-laws, ordinances, rules and regulations of the village of Carthage, shall be in the corporate name of said village, and may be commenced either

by summons or by warrant. If judgment be given against the defendant in such action, execution may be issued thereon immediately, and shall require and direct, if the officer to whom it is issued cannot find goods or chattels of the defendant whereof the judgment can be collected, that the defendant be imprisoned in close custody in the county jail of Jefferson county for a term not exceeding thirty days.

Executions to collect judgments for penalties, etc.

§ 6. The said police justice shall keep an office in said village and hear all complaints, hold courts and courts of special sessions, and shall keep a book in which he shall enter all business done by him, which shall be a town or county charge against the town of Wilna or county of Jefferson, in the same manner as bills of the justice of the peace in like cases, and in which he shall charge the fees as allowed by law to justices of the peace, and which shall be duly verified by him and be audited by the town auditors of said town, or the board of supervisors of said county, as the case may require, and the amount audited shall be levied as other town and county charges and paid over to the said police justice.

Police justice to enter business done which is chargeable to either town or county, and same, when verified, shall be audited and paid as other town and county charges.

§ 7. In all cases where said police justice shall decide or give judgment in favor of any party, it shall be with costs of action or proceeding, including witnesses' and officers' fees, as provided by law, and whenever any plaintiff or complainant or defendant in any action or proceeding shall be adjudged to pay costs, the said police justice shall tax for his services such fees as are allowed by law to justices of the peace, which costs and fees shall be collected according to law. Fees of special sessions shall be taxed in all criminal cases, and the amount collected in such cases shall first be applied in satisfaction of the fines or penalties imposed, and all fines, penalties and forfeitures imposed by or recovered before said police justice or any magistrate for a violation of this act, or of any by-law, ordinance, rule or regulation of said village, or for any misdemeanor, intoxication or disorderly conduct committed therein, shall be received by said police justice from the person who shall collect the same, and paid over to the treasurer of the village for the general purposes of said village,

Costs and fees, amount of, to be included in judgments.

Fines, etc., to be paid over to treasurer.

and all excise money received by the board of excise for licenses granted in said village shall be paid into the treasury of said village for the general purposes thereof.

To report  
quarterly,  
under  
oath, to  
trustees.

§ 8. Such police justice shall quarterly, or oftener if required by the president or trustees, render an account on oath to the trustees of the village in writing, in which shall be specifically stated the amount of fines, penalties and forfeitures received by him in every case, and all other moneys received by him belonging to the corporation, and shall forthwith pay over the same to the treasurer of the village.

§ 8. Section five of title four is hereby numbered section nine and amended so as to read as follows:

Powers,  
etc., of  
police  
constable.

§ 9. The police constable or constables shall have the same power and authority to execute civil or criminal process, and be subject to the same liabilities and obligations, except as herein otherwise provided, as constables elected in any of the towns of Jefferson county. It shall be his or their duty to obey such orders as he or they may from time to time receive from the president of said village regarding his or their duty, to report to the president all violations of the corporation ordinances, with the names and residences of the witnesses; to preserve the public peace; to be vigilant for the prevention and discovery of crime and the detection of criminals; and he or they and each of them, shall have power and are hereby authorized at any and all times, to arrest or cause to be arrested, all persons who shall sell strong or spirituous liquors or wines within the limits of said village, contrary to law; and to arrest or cause to be arrested, with or without process, all persons found intoxicated in the streets or public places of said village, or engaged in quarreling and fighting, or immoderate riding or driving, or doing any thing calculated to injure or endanger persons or property in any of the streets or other public places of said village, in addition to those persons enumerated in the first section of title fifth, chapter twentieth, of the first part of the Revised Statutes, all of whom shall be deemed disorderly persons, and upon conviction punished in the manner hereinafter provided; and the said officers shall

His  
duties.



have power, with or without process, while in pursuit of any disorderly person or persons, to enter or cause to be entered any building or place within the limits of the said village, and arrest or cause to be arrested, any such disorderly person or persons, and shall take them forthwith before the police justice of said village, to be dealt with according to the provisions of this act. In case the police justice or a justice of the peace holding court for said police justice, for the time being cannot be found, then the officer arresting any such offender may detain him in custody or commit him to the village jail or lock-up for safe keeping, until such justice can be found, not to exceed twenty-four hours, when the officer shall immediately bring him before such justice to be tried as hereinafter provided. And the said officers shall have power at any and all times, with or without process, to arrest all persons engaged in the actual commission of any crime or misdemeanor or violation of corporation ordinance, and take him before such justice in like manner as above provided, to be dealt with according to law; and such officers or either of them, shall have power to command assistance, and shall have the same power for the purpose as is given by law to sheriffs in cases of resistance to process.

May temporarily detain offenders in jail or lock-up.

Power to arrest without process.

§ 9. Section seven of title seven is hereby amended so as to read as follows:

§ 7. Whenever any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before the police justice of said village or justice of the peace holding court for said police justice for the time being, the said justice shall proceed forthwith to hear, try and determine the complaint or charge on which such person is so arrested, or he may in his discretion adjourn the hearing or trial on cause shown, not to exceed five days, and in the meantime shall commit the accused to the village lock-up, or jail, or county jail, until such day, or suffer him to go at large on his executing a bond with surety, under the approval of said justice, conditioned that he or she will appear on said adjourned day. Upon the conviction of any such offender either by confession or

Proceedings against disorderly persons.

Penalty.

competent testimony, the said justice or officer having jurisdiction, shall have power and is hereby authorized to punish by fine, not less than five dollars nor exceeding two hundred and fifty dollars, besides costs of the proceedings, or by imprisonment in the county jail of Jefferson county not to exceed six months, or by both such fine and imprisonment.

§ 10. All acts and parts of acts inconsistent with the provisions of this act, are hereby declared inapplicable to said village.

§ 11. This act shall be deemed a public act, and shall take effect immediately.

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## Chap. 565.

AN ACT to amend an act entitled "An act to incorporate the Amsterdam Water-works Company," passed March seventeenth, eighteen hundred and sixty-five.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Capital  
stock.

SECTION 1. Section two of the act entitled "An act to incorporate the Amsterdam Water-works Company," passed March seventeenth, eighteen hundred and sixty-five, is hereby amended so as to read as follows: "The capital stock of said company shall be fixed by the directors thereof, but the same shall not be less than ten thousand dollars nor exceed two hundred thousand dollars to be divided into shares of twenty-five dollars each."

§ 2. Section four of said act is hereby amended so as to read as follows:

Object.

§ 4. The object of this act is the improvement of the Chuctanunda creek by increasing the amount of water and regulating the flow thereof for the supply of mills and establishments on said stream, by forming reservoirs on said stream and tributaries, and connecting reservoirs and ponds with said stream and tributaries, constructing dams and gates at and below the outlets of such reservoirs and ponds, and by such other works and im-

provements as will increase the usefulness of said stream for the purpose herein declared. The said corporation may purchase, take, hold and possess any real estate adjacent to the said stream and tributaries for the purpose aforesaid.

Corporation may hold real estate.

§ 3. This act shall take effect immediately.

## Chap. 566.

AN ACT to incorporate the New York Deposit and Loan Company.

Passed May 7, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. T. R. Sherwin, William Wade, James M. Parker, John P. Southerland, Samuel Crawford, William Palmer, S. T. Streeter, Edward Barker, L. H. Waters, William H. Albertson, and their associates and successors, are hereby constituted a body corporate, under the name of the New York Deposit and Loan Company, to be located in the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with power and privileges hereinafter provided.

Corporators.

Corporate name.

§ 2. The capital stock of said company, to be raised by subscription, shall be five hundred thousand dollars, with power to increase the same to one million dollars: and when one hundred thousand dollars shall have been subscribed, and one hundred thousand dollars actually paid in, the said company may commence business, and shall make an annual report to the superintendent of the banking department of this State.

Capital stock.

§ 3. The corporate business and powers of said company shall be exercised by a board of directors, consisting of ten members, and the persons expressly named in the first section of this act shall elect the first board of said company, who shall hold their offices for one year from the organization of said company, and until others shall be elected in their places; and the said com-

Corporate business and powers to be exercised by board of directors.

pany shall be deemed to be organized by the election by the first board of directors thereof of a president and vice-president from their own number, and a secretary; seven directors shall constitute a quorum.

By-laws, etc. § 4. The board of directors shall have power to make all such by-laws, rules and regulations not inconsistent with the Constitution or the laws of this State as may be deemed necessary for the government of its officers and the conduct of its affairs, and appoint and employ such agent and servants as the exigencies of its affairs may require.

Annual election. § 5. The first board of directors shall, as soon as may be after their organization, determine and fix the day and month in each year thereafter for the holding of the annual election, at which shall be chosen ten directors. The directors shall be stockholders in the said company in at least the sum of five thousand dollars each, and shall be elected for one year, and shall hold office until others shall be elected in their stead; any director ceasing to be a stockholder in the sum of five thousand dollars shall cease to be a director. The board of directors shall have power to fill any vacancy occurring in their number by death, resignation or otherwise, by a vote of a majority of their number remaining.

Directors to be stockholders. Vacancies. Corporate powers. § 6. The said company shall have power to receive upon storage or deposit, merchandise, plate, stocks, bonds, promissory notes, and certificates of property, except specie and bank bills; and to take the management, custody and charge of the same on such terms or commissions as may be established or approved by the directors of said company. It may loan on property held as aforesaid; but no greater rate of interest shall be charged for any such loan than the legal rate of interest.

Loans, terms of. § 7. All loans shall be on a time fixed, and not over one year, and the pledgor shall have the right to redeem his property pledged at any time within the specified time on payment of the loan and rate of compensation to the time of offer to redeem.

When property may be sold. § 8. It shall be lawful for the said company to sell at public auction or private sale, as may be specified in

any contract between the parties, all property of what kind so ever mentioned in or affected by such contract after thirty days shall have elapsed from the time of the maturity of any obligation under such contract, and on notice of fifteen days, and reimburse themselves out of the avails of such sale for the moneys due them, with interests, costs and charges; provided, however, that nothing in this section contained shall be construed to prevent the said bank from making any such sale at such time and in such manner as may be provided for in any contract or agreement made by any person or persons with the said company.

§ 9. It shall be lawful for the said company to lease, purchase, hold and convey all such real or personal property or estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property, as they may determine that the interests of said company require.

What real estate may be held.

§ 10. The said company shall give to each pledgor a card, inscribed with the name of the company, the article or articles pledged, the name of the pledgor, the amount of the loan, the date when made, the date when payable, and the page of the book where recorded.

Cards to be delivered to pledgor, what to contain.

§ 11. Whenever default shall be made in the payment of any debt or liability contracted by this corporation the stockholders hereof shall be individually responsible equally and ratably for the amount of such debt or liability with interest to an extent equal to the amount of their respective shares of stock in said corporation.

Liability of stockholders.

§ 12. Such portion of the capital of said company as is not employed in its regular business shall be invested in securities of this State or of the United States.

Surplus capital, how to be invested.

§ 13. This act shall take effect immediately.

## Chap. 567.

AN ACT conferring additional power upon the trustees of the village of Batavia.

Passed May 6, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Trustees  
to appoint  
justice of  
the peace  
to act as  
police  
justice.

Fees and  
charges.

Fines,  
etc., to be  
paid treas-  
urer.

Jurisdic-  
tion of  
justices of  
the peace.

Police  
justice  
to give  
bond.

Trustees  
to cause  
Main  
street  
to be  
sprinkled.

When  
other  
streets.

SECTION 1. The board of trustees of the village of Batavia, at their first regular meeting after the passage of this act, and annually thereafter, shall designate and appoint one of the justices of the peace of the town of Batavia, to act as police justice, who upon filing his oath of office, with the village clerk shall have sole jurisdiction of all violations of the ordinances of said village. All fees and charges of said police justice shall be the same as the fees and charges of justices of the peace in this State. All fees and charges in cases of prosecution for penalties, when not collectable of the person or persons thus prosecuted, shall be a charge upon said village; and all fines and penalties collected shall be paid by said police justice, at the close of each month, to the treasurer of said village. Justices of the peace in the county of Genesee shall have jurisdiction in the prosecutions of violations of village ordinances, in case of a vacancy in the office of police justice, or in the absence or inability to serve of such police justice, and not otherwise. Said police justice, before entering upon the duties of his office, shall execute a bond in the penalty of one thousand dollars with good and sufficient sureties, to be approved by the board of trustees, conditioned that said police justice shall faithfully and fully account for all sums of money coming into his hands by virtue of said office.

§ 2. The board of trustees of said village are hereby empowered and required to cause that portion of Main street, in said village lying between Cemetery street and the Oak Orchard road, to be sprinkled and kept free from dust; and are further empowered to cause any other street or portion of street to be sprinkled and kept free from dust, upon the written request of a majority

of the owners of property located upon such street or such portion thereof; the necessary expense thereof shall be a charge upon the property to be benefited thereby, and shall be assessed upon each parcel thereof, in the ratio of its value to that of the aggregate property upon such street or portion of street; such valuation to be determined by the last assessment roll of said village, such assessments shall be levied and collected in the same manner as other taxes of said village are levied and collected.

Expenses  
of, how  
assessed.

§ 3. The said trustees are further empowered to raise the amount necessary for the compensation of watchmen for said village, as a local assessment, in the same manner prescribed in the preceding section for defraying the expense of sprinkling the streets of said village.

Assessment  
for compensation  
of watchmen.

§ 4. This act shall take effect immediately.

## Chap. 568.

AN ACT to amend an act entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo," passed April twenty-first, eighteen hundred and seventy-one.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The twelfth section of an act entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo," passed April twenty-first, eighteen hundred and seventy-one, is hereby amended by adding to the said section the following words, viz.: The chairman of the board of supervisors chosen at the annual meeting thereof next preceding the time when such bonds shall be issued, shall, for the purposes of this section, be deemed the chairman of the board of supervisors until his successor shall have been chosen and entered upon the duties of his office.

Who to be  
deemed  
chairman  
of board  
of supervisors.

Additional  
commission-  
ers.

§ 2. James Adams, John Nice, George S. Wardwell and Philip Becker are hereby appointed additional commissioners for the erection of the public buildings mentioned in the first section of this act.

§ 3. This act shall take effect immediately.

## Chap. 569.

AN ACT to amend chapter one hundred and sixty-five of the Laws of eighteen hundred and sixty-nine, entitled "An act to authorize the selection and location of certain grounds for public parks, in the city of Buffalo, and to provide for the maintenance and embellishment thereof," passed April fourteenth, eighteen hundred and sixty-nine; and also to authorize the city of Buffalo to issue bonds for laying out, improving and embellishing the same.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof," passed April fourteenth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Mayor,  
with con-  
sent of  
common  
council, to  
appoint  
park  
commis-  
sioners.

§ 1. On or before the first day of May, eighteen hundred and seventy-two, the mayor of the city of Buffalo shall, by and with the consent of a majority of all the members of the common council of said city, appoint fifteen citizens of Buffalo as a board of park commissioners, in place of the board of park commissioners appointed under the act to which this is an amendment; and the persons so appointed, together with the mayor of said city, shall be and they are hereby constituted a board of commissioners of the park or parks, approaches and streets. which have been or may be created pursuant to the provisions of the act hereby

Mayor  
to be  
commis-  
sioner.



amended, with the name and style of the park commissioners. The mayor, in his appointment of said commissioners, shall designate, five of said commissioners to hold their office for the term of two years, five for the term of four years, and five for the term of six years. Said terms of office to commence on the first day of May, eighteen hundred and seventy-two, and to continue until their successors are appointed. At the expiration of the terms of the offices of the several commissioners as herein prescribed, there shall be appointed, in the manner herein provided, a person or persons to fill the vacancies thereby created, which person or persons shall hold their office for the term of six years and until their successors are appointed. Should a vacancy occur by reason of the declination of the person or persons so appointed, or from any other cause, there shall be appointed, in the manner herein provided, a person to fill such vacancy, whose term of office shall expire at the end of the term of the one whose vacancy he is appointed to fill. No member of said board shall receive any compensation for his services; but each commissioner shall be entitled to receive his actual disbursements for expenses in visiting and superintending said park, when such visits or service shall be made or rendered by the direction of the board of commissioners.

Mayor to designate terms of office.

Vacancies, how filled.

Commissioners not to receive compensation.

§ 2. For the purpose of laying out, improving and embellishing the park or parks, approaches thereto, and constructing streets, under the act to which this is an amendment, the bonds of the city of Buffalo to such an amount, not exceeding four hundred thousand dollars, as shall be necessary, shall be issued by the mayor and comptroller of said city from time to time, as the same shall be required for the purposes aforesaid; provided, however, that such bonds shall not be issued to exceed in amount one hundred thousand dollars in any one year, and that they shall not be disposed of or sold at any less than their face or par value.

Mayor and comptroller to issue bonds to an amount not exceeding \$400,000, for purpose of improving park, etc.

§ 3. This act shall take effect immediately.

## Chap. 570.

AN ACT to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the Laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York.'"

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of  
registry of  
elections.

When  
board to  
meet.

Chairman.

List of  
voters.

SECTION 1. The several inspectors who now are or who may be hereafter elected or appointed inspectors of election, for the several election districts in the towns and cities of this State, except in the city and county of New York and the city of Brooklyn, for the year eighteen hundred and seventy-two, are hereby declared to be a board of registry of elections under this act; and for the purposes herein named, the said inspectors, and their successors in office, shall meet annually, on Tuesday, three weeks previous to the general election, at nine o'clock A. M., at the place designated for holding the poll of said election, and organize themselves as a board for the purpose of registering the names of the legal voters of such district, and shall sit until nine o'clock P. M., of each day; and for this purpose they shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office, as by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. The said board shall then proceed to make a list of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are inspectors. Said list, when completed, shall constitute and be known as the register of electors of said district. The said inspectors, at their first meeting

on Tuesday, three weeks preceding the general election, shall have power, if necessary, to sit two days for the purpose of making said list, provided that at the annual election next prior to said meeting, the number of votes in the district of which they are inspectors exceeded four hundred.

Number  
of days to  
sit.

§ 2. Said registers shall each contain a list of persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length and in another column in cities and incorporated villages, the residences by the number of the dwelling if there be a number, or if the person be an occupant of a tenement house occupied by several persons, or a lodging place, then they shall also enter the number of the room, if any, and the floor or story of said tenement or lodging-house occupied by said person, and the name of the street on which said dwelling-house, tenement or lodging place is located. It shall be the duty of said inspectors to enter in said lists the names of all persons residing in their election districts whose names appear on the poll list kept in said district at the last preceding general election, and for this purpose said inspectors are authorized to take from the office in which they are filed, the poll list made and filed by the inspectors of such district at the general election held next prior to the making of such register. In case a new election district shall be formed, the said inspectors shall enter in the list the names of such persons entitled to vote in the new election district, whose names appear upon the poll list of the last general election, kept in the district or districts from which said new election district is formed. The said inspectors shall complete as far as practicable the said register on the day or days of their meeting aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them, within two days thereafter. The said original list, with the list taken from the office as aforesaid, shall be filed in the office of the town clerk of the town or city clerk of the city in which said election district may be, and one copy of said list shall

What  
registers  
to contain.

What  
names  
to be  
entered.

In case of  
new  
election  
district.

Four  
copies to  
be made.

Original  
list to be  
filed.

Each  
inspector  
to keep a  
copy.

One copy  
to be  
posted.

Second  
meeting.

Length of  
session.

Lists to be  
revised  
and cor-  
rected,  
and  
names  
added.

What  
names to  
be added.

Proceed-  
ings to be  
open and  
voters to  
be heard.

One list to  
be used  
for mak-  
ing correc-  
tions.

No addi-  
tion to be  
made of  
names  
not ap-  
pearing.

Natural-  
ized citi-  
zens to

be kept by each of said inspectors, and be carefully preserved by him for their use on the day or days hereafter mentioned for revision and correction of the same.

One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof.

§ 3. The said boards of inspectors shall meet on Friday of the week preceding the day of the general election, at the places designated for holding the polls of election, for the purpose of revising and correcting said lists; and for this purpose, in cities, they shall meet at eight o'clock in the morning, and remain in session until nine o'clock P. M., of that day and the day following, and in other districts they shall meet at nine o'clock in the morning, and remain in session until nine of that day. And they shall then revise, correct, add to and subtract from, and complete the said lists, and shall on that day add to the said list the name of any person who would, on the first Tuesday succeeding the first Monday of November, be entitled, under the provisions of the Constitution and laws of this State, to exercise the right of suffrage in their respective election districts. But in making such addition on that day, or on any prior day, they shall not place on the said list the name of any person, except in strict compliance with the provisions of section two and section four hereof, and the other provisions of this act.

§ 4. The proceedings of said board of inspection shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors, in relation to corrections or additions to said register. One of the lists so kept by said inspectors as aforesaid, shall be used by them on the day, or days, for making corrections or additions for the purpose of completing the registers for such district. No addition shall be made to the said register of the name of any person, nor shall the name of any person be placed thereon, except one who shall have appeared in person before said board; and any person not born in the United States, on applying to have his name placed on

the registry, shall prove that he is a citizen of the United States, by producing a certificate of naturalization from a court of competent jurisdiction; nor shall any other proof of his being a citizen be received, unless he shall first show to the satisfaction of the board of registry, that said certificate has been issued to him and that he is unable to produce such certificate, by reason of loss or destruction thereof.

produce  
certificate.

§ 5. It shall be the duty of said inspectors at their meetings for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved, to the satisfaction of said inspectors, to be a non-resident of said district, or otherwise not entitled to vote in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board of inspectors and require his name to be recorded on said alphabetical list, and upon complying with the requirements of this act, the same shall be recorded. Any person so requiring his name to be entered on said list shall make the same statement as to street or number thereof, and where he resides, required by the provisions of this act, of persons offering their votes at the election, and shall be subject to the same pains and penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the inspectors, or either of them, or by any elector whose name appears upon said alphabetical list, and the same oath may be administered by the inspectors, as may by law be administered to persons offering to vote at an election. At such meeting for revision and correction, it shall be the right of any elector of the district to examine said registry, and if upon oath he shall declare that he has reason to believe that any person on said list is not a qualified elector, the said inspectors shall place the words "to be challenged," opposite the name of such person, to whom, while offering his vote, the general oath as to qualifications shall be administered, and if he shall refuse to take such oath, he shall not be permitted to vote.

Names  
to be  
erased.

Electors  
may ap-  
pear and  
require  
their  
names  
to be  
entered.

State-  
ments to  
be made.

If any  
elector  
declares  
on oath  
that any  
person is  
not a  
voter, the  
words "to  
be chal-  
lenged"  
to be  
entered  
opposite.  
General  
oath to be  
given.

§ 6. After said list shall have been fully completed, the said inspectors shall cause four copies of the same

Four  
copies  
corrected

List to be made.

How disposed of.

Names to be checked.

No person to vote whose name is not on registry.

This section to be taken as mandatory.

Duties of poll clerks.

Statement to be made, if required, by elector at time of offering his vote.

to be made, each of which shall be certified by them to be a correct list of the voters of their district; one of which shall be filed in the office of the town clerk of towns, and in cities, in the office of the city clerk, and one of which copies shall be retained by each of the said inspectors. It shall be the duty of the said inspectors carefully to preserve the said list for their use on election day, and to designate one of their number or one of the clerks, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register; and no vote shall be received at any annual election in this State unless the name of the person offering to vote be on the said registry, made and completed as hereinbefore provided, preceding the election; and any person whose name is on the registry may be challenged, and the same oath shall be put as are now prescribed by law. This section shall be taken and held by every judicial or other tribunal as mandatory and not directory. And any vote which shall be received by the said inspectors of election in contravention of this section shall be void, and shall be rejected from the count in any legislative or judicial scrutiny into any result of the election.

§ 7. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll lists kept by them, in the columns prepared for that purpose, opposite the name of each person voting, the same statement or minute hereinbefore required of inspectors in making the registry, but such entry is not to be made by them, if the registry contains correctly the name and residence of such voter. Every elector at the time of offering his vote shall, if required, truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof, and if a tenement or lodging-house, the number of the room, if any, and the floor or story of such tenement or lodging-house; and the clerks of the poll shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides and the number, in case the house, tenement or lodging-house is numbered, and if a tenement or lodging-house, the number of the room if any,

and the floor or story of such tenement or lodging-house; and if such house, tenement, lodging or room is not numbered, then the clerk shall enter "not numbered" in the column of the poll list set apart for that purpose; and in case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall willfully make any false statement in relation thereto shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county, or the city prison of the city, where such voter offers to vote for a period of thirty days, or by both such fine and imprisonment.

Penalty  
for willful  
false state-  
ment.

§ 8. Any person who is a qualified voter in any city shall have the right in any and all election districts in such city to challenge and contest the right of any person to be placed on any register, or to vote at any poll within said city, with the same effect as though the party making the challenge was a qualified voter in the district where he makes the challenge.

Any qual-  
ified voter  
may con-  
test right  
of any  
person to  
register or  
to vote.

§ 9. After the canvass of the votes, the said poll list and said register so kept and checked as aforesaid, shall be attached together, and shall, on the following day, be filed in the town clerk's office in the town in which said district shall be, and in case the district is in a city, in the city clerk's office of said city, to be used by the inspectors in making the list of voters at the next general election,

Poll lists  
and regis-  
ters to be  
kept  
together  
and filed.

§ 10. The said board may, if necessary, on the day or days of making such lists, and the correction of the same, appoint a clerk to assist them in the discharge of the duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls and of elections.

Board  
may ap-  
point  
clerk.

§ 11. The registers shall at all times be open to public inspection at the office of the authorities, in which they shall be deposited, without charge.

Registers  
to be  
open to  
inspec-  
tion.

§ 12. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for inspectors of election for each day actually employed in the making and the completion of the registry, to be paid to them at the

Compen-  
sation of  
inspectors  
and  
clerks.

Expenses  
for blanks,  
etc., how  
paid.

time and in the manner in which they are paid their other fees. The necessary blanks and instructions, and other incidental expenses incurred in executing the provisions of this act, shall be provided and paid for in the manner now provided for the payment of incidental expenses of election of the like character.

General  
powers.

§ 13. The said board shall have and exercise the same powers in preserving order at their meetings under this act as are given to inspectors of election for preserving order on election day.

Penalties  
for viola-  
tion of  
this act.

§ 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the ward or district where said registry is made, or who shall falsely personate any registered voter, and any person causing any such act, or aiding, abetting, inducing or procuring any person to be fraudulently registered as a voter, in any election district in which such person is not at the time a legally qualified voter, or who shall cause or procure or be in any manner instrumental in procuring any person to vote or to offer to vote in any election district in which such person is not at the time a legally qualified voter therein, or who shall advise or in any manner incite any person to vote or offer to vote at any such election in an assumed or fictitious name, shall be adjudged guilty of a felony, and shall, upon conviction thereof, be imprisoned in the State prison for a term of not less than one or more than three years. Any person who shall swear falsely before said board of registration, shall be deemed guilty of willful and corrupt perjury, and on conviction, punished as such. If any member or officer of said board shall, knowingly, permit any person to register his name as a voter, or willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished, upon conviction thereof, for each and every offense, by imprisonment in the State prison for a term of not less than two nor more than five years.

Same lists  
to be  
made for  
city as for

§ 15. The same list required to be made and perfected at general elections shall, in the same manner, be made and perfected by the inspectors at all elections



for charter officers in the several cities of this State, and at such elections for charter officers the said board shall hold the first meeting provided for in this act, three weeks prior to such charter election.

general elections.

§ 16. In cities and incorporated villages no building or part of a building shall be designated as a registry or polling place in which or any part of which spirituous or intoxicating liquors are sold.

Where liquors are sold, not to be polling place.

§ 17. The Secretary of State shall cause this law to be printed, and a sufficient number of copies thereof to be sent to the county clerks of the several counties to supply each of the officers named in this act with a copy; and it shall be the duty of said county clerks, immediately, to transmit a copy of the same to each of the inspectors of election in each city and town of such county.

Secretary of State to print and transmit copies of this law.

§ 18. Chapter five hundred and seventy-two of the laws of this State, passed April nineteen, eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York,'" passed April five, eighteen hundred and seventy, be and the same is hereby repealed.

Chapter 572, Laws of 1871, repealed.

§ 19. This act shall not apply except in incorporated cities and villages containing over ten thousand inhabitants each, as determined by the last census.

Where this act to apply.

§ 20. This act shall take effect immediately.

## Chap. 571.

AN ACT to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The action of the electors of the town of Boonville, Oneida county, and State of New York, whereby at their annual town meeting held in and for said town, the fifth day of March, eighteen hundred

Action of town meeting legalized.

and seventy-two, they directed to be raised the sum of one thousand and five hundred dollars, in manner by statute in such case made and provided, to be used for the improvement of certain highways in said town, and particularly described in the resolution passed at such town meeting, and now duly recorded in the records of said town, is hereby legalized and confirmed in all respects.

Super-  
visors to  
levy tax.

§ 2. The supervisors of the county of Oneida, at their next annual session, are hereby directed and empowered to cause to be levied upon the said town of Boonville, the said sum of one thousand and five hundred dollars, in the manner by statute in such case made and provided.

When and  
to whom  
money  
to be paid.

§ 3. The money to be raised as aforesaid shall be paid only upon the order of said board of supervisors, by the collector of said town when collected, to the commissioners appointed by said town, when they shall have filed with the town clerk of said town, a bond in the penalty of three thousand dollars, with sufficient surety, to be approved by the supervisor of said town, for the faithful performance of their said trust.

§ 4. This act shall take effect immediately.

## Chap. 572.

AN ACT to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sioners of  
highways  
to appoint  
overseers.

SECTION 1. From and after the passage of this act, the commissioner or commissioners of highways in each town in the county of Suffolk shall have the power, and it shall be their duty, on the first Tuesday of October in each year, by an instrument in writing, under their hands, to be filed with the town clerk, to appoint as many overseers of highways in their respective towns as there are road districts therein, to hold their office

during one year thereafter; and it shall be the duty of the town clerk to notify each overseer of his appointment, as now required by law. Duty of town clerk.

§ 2. Every overseer of highways in said county shall, on or before the first day of October in each year, and within the year for which he is appointed, render to one of the commissioners of highways of the town an account in writing, verified by his oath, containing all the statements, in detail, now required to be rendered by section fifty-one of article third of chapter sixteen of the first part of the Revised Statutes, and the acts amendatory thereof. Overseer to render an account in writing under oath.

§ 3. All acts or parts of acts prescribing a different time from that mentioned in the preceding sections of this act, for the performance of the duties therein mentioned, are hereby repealed, so far as they may apply to the county of Suffolk.

§ 4. This act shall take effect immediately.

## Chap. 573.

AN ACT in relation to the alteration of town boundaries in the county of Franklin.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Franklin are hereby authorized and empowered, at any regular annual meeting of the said board, to alter the boundaries of any town in the county of Franklin, on the petition for the same of one hundred tax-payers and freeholders of the said county, praying for the same; provided, however, that no alteration shall be made in the boundaries of any town in said county, unless three-fourths of the resident voters, in that part of any town which is to be set off and joined to another town shall petition for the same; and provided, also, that the territory to be taken from one town and joined to another shall contain at least one full township of land, and that four weeks' notice, by publication in all the papers pub-

Board of supervisors of Franklin county may alter boundaries of towns.

Proviso.

lished in Franklin county, shall be given, immediately preceding the meeting of the said board of supervisors, of the intention to make application for such alteration, which notice shall particularly specify the towns to be affected thereby, and the particular territory to be taken from either town, and to what town the same is to be annexed, and the said notice to be signed by one of the supervisors of the towns to be affected thereby; and provided further, that no such alteration shall be made unless two-thirds of all the supervisors elected the same year shall vote for the same.

§ 2. All laws or parts of laws, so far as the same are inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect immediately.

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## Chap. 574.

AN ACT further to amend chapter eight hundred and sixty-four of the Laws of eighteen hundred and sixty-eight, entitled "An act to authorize the drainage of marsh land."

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section sixteen of chapter eight hundred and sixty-four of the Laws of eighteen hundred and sixty-eight, entitled "An act to authorize the drainage of marsh land," is hereby amended so as to read as follows:

Naviga-  
tion of  
streams  
not to be  
interfered  
with nor  
taxes  
imposed.

§ 16. Nothing contained in this act shall be construed as permitting said company, or any of its agents or employees, to impair the navigation so as in any way to injure and defeat the same of any navigable stream; nor as authorizing the imposition of any tax or assessment on any land or real estate, except the marsh lands actually reclaimed by such company.

§ 2. This act shall take effect immediately.

## Chap. 575.

## AN ACT to regulate elections in the city of Brooklyn.

Passed May 7, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. On or before the first day of August, one thousand eight hundred and seventy-two, the common council of the city of Brooklyn shall divide said city into convenient election districts for the holding of all general and special elections, and all elections of the officers of said city who are elected by the people.

City to be divided into election districts.

§ 2. Every ward in the city of Brooklyn containing not more than four hundred voters shall be an election district. Every ward in said city containing more than four hundred voters and no more than eight hundred voters shall, on or before the first Monday in August, in the year one thousand eight hundred and seventy-two, be divided by the common council of said city into two districts, to contain as near as may be an equal number of voters; and every ward of said city containing more than eight hundred voters shall, on or before the first Monday of August, one thousand eight hundred and seventy-two, and as often annually threoroafter as may be necessary or expedient, be divided by the common council of said city into two or more districts, in such manner as shall be entire within one ward, and shall contain as near as may be an equal number of voters; and each election district shall contain, as near as practicable, four hundred voters and no more.

When ward to be one district.

When to be divided into two districts.

When into more than two.

Each district to contain 400 voters.

§ 3. As soon as the wards in said city shall be divided into districts, the common council of said city shall immediately publish the same by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such city; and, also, by posting up copies of such map in at least ten of the most public places in each district of such ward, and the common council shall also, prior to every

Map and description to be made.

election, furnish copies of such map and description to the registers and inspectors of election in each district of such ward.

Appoint-  
ment and  
qualifi-  
cations of  
members  
of board  
of elec-  
tions.

§ 4. The mayor, comptroller and auditor of the city of Brooklyn are hereby empowered and directed to meet in the mayor's office of said city of Brooklyn, on the third Monday in July of each year, at twelve o'clock, noon, and proceed to designate and appoint three proper and suitable persons, not more than two of whom shall be of the same political party, who shall constitute the board of elections for the city of Brooklyn, provided that the mayor shall designate and appoint one member of said board, and the comptroller and auditor shall designate and appoint two members of said board. No person holding any public office of any kind, under either the United States, State, county or municipal government, nor an employee of any bureau of department, shall be eligible as a member of said board of elections; and all votes cast at any general or special election for any member of said board, for any office, shall be absolutely void.

Appoint-  
ment of  
inspectors  
and regis-  
ters of  
elections.

§ 5. On the first Monday in September, in each and every year, the said board of elections shall meet in the common council chamber of the city of Brooklyn, at ten o'clock in the morning, and the member of said board appointed by the mayor, shall designate and appoint one person and the other two members of said board shall designate and appoint two persons to act as registers and inspectors of election, and the member of said board appointed by the mayor shall appoint one person and the other two members of said board shall appoint two persons to act as canvassers of election in the district for which they are appointed, at the next general election, and at all special elections which shall take place during the year after such appointment.

Registers  
and in-  
spectors  
to make  
registry of  
electors.

§ 6. The said registers and inspectors of election, or a majority of them, shall make the registry hereinafter provided for, in the city of Brooklyn, and the said registers and inspectors shall hold the elections hereinafter mentioned, and preside at the same, and have and possess all the powers, and be subject to all the duties and liabilities of inspectors of elections. They shall meet

on the last Tuesday of September and the first and second Tuesdays of October, at eight o'clock A. M., at the place designated for holding the poll at the next general election in said election district, for the purpose of registering the names of the legal voters of such election district; and for this purpose they shall organize themselves as a board of registry in each election district, and appoint one of their number chairman of the board. The said board shall remain in attendance on the days above named, and on each of said days, at the said places, from eight to twelve o'clock A. M., and from four to ten o'clock P. M., for the purpose of making a list of all persons qualified and entitled to vote in accordance with the provisions of the Constitution and laws of this State, at the ensuing election, in the election district, and who have personally appeared and asked to be registered. Such list, when completed, shall constitute and be known as the registry of electors of said district. Each member of the said board shall make a list of qualified voters in the district, and enter therein, under the heading of the street or avenue in which they reside, the name, age, residence and duration of his residence in the district, of every person desiring to be registered; and no person shall be registered unless he be at the time a resident and qualified voter within the election district; and it shall be the duty of the register receiving his name, if such person be challenged, or in case such register shall have cause to suspect such person is not a resident of such district, or is from any cause disqualified from voting therein, to administer to him the same oath which the law prescribes shall be administered to a challenged person attempting to vote at a regular election; and such register shall make a memorandum on the registry opposite the name of every person who has been thus sworn; the fact that such person has been thus sworn shall not prevent his being sworn again, if challenged for any cause, when he attempts to vote at the next election, and any person taking a false oath before such register shall be punished as for willful and corrupt perjury.

§ 7. The said board of registers and inspectors shall meet on the Saturday occurring ten days before the day

Meetings.

Chairman.

Place where and time when to remain in session and whom to register.

Registry.

List to be made by each member, what to contain. I

Oath to persons challenged, etc.]

Penalty.]

Board to meet on Saturday,

ten days  
before  
general  
election,  
to revise  
and com-  
plete  
registries.

What  
names to  
be added.

To meet  
on suc-  
ceeding  
Monday  
and make  
three  
additional  
lists.

of general election, in their respective election districts, at the places designated as hereinbefore provided, for the purpose of completing said registries of electors; and for this purpose they shall meet from eight to eleven A. M., and from four to eleven P. M., of that day. And they shall then revise, correct, add to and subtract therefrom, and complete the said registries; and shall on that day add to the said registries any person who would, on the day of the next election, be entitled, under the provisions of the Constitution and laws of this State, to exercise the right of suffrage in said district, but the name of no person shall be entered upon said registry unless the elector shall personally appear before said registers. On the next succeeding Monday the said registers and inspectors shall make and complete three additional lists of said registry, and enter therein the names of the persons registered, under the headings of the streets or avenues in which they reside, their age, place of residence, in numerical order, length of time of residence in the district, and in the column headed "remarks," if to be challenged, as follows:

Form of  
registry.

#### NAME OF STREET OR AVENUE.

Residence, num- ber, or other designation if not numbered.	Name of voter.	Age.	Length of time of residence in district.	Remarks.
				(To be chal- lenged.)

Lists to be  
signed  
and cer-  
tified.

The said lists, when so completed, shall be signed and certified by each register; one of the said lists shall be retained by the chairman of the board of registers and inspectors, for their use on the day of election, and the



other two lists shall be delivered on the said Monday to the board of elections, and it shall be the duty of the said board of elections to print for each ward respectively three hundred copies of the said lists, in pamphlet form, so that each ward pamphlet shall contain the lists of the several election districts in each ward, and to deliver, at least five days before the day of election, fifty copies of each of said lists to the mayor, fifty copies to the head of the department of police, twenty-five copies to the president of the board of aldermen, twenty-five copies to the city clerk, twenty-five copies to the comptroller, twenty-five copies to the auditor, and twenty-five copies to each chairman of the several political general committees in the county of Kings. It shall also be the duty of the said board of elections to place all polling places in proper order and condition, to furnish to the various election officers provided for in this act, such registries, maps, books, blanks, instructions and stationery as may be necessary for the proper discharge of their duties.

Lists to be printed.

How distributed.

Registries, maps, books, etc., to be furnished by board of elections.

§ 8. On the Saturday preceding the day of election, it shall be the duty of the said registers and inspectors of election to hold a meeting for revising and correcting the registries of election, to receive testimony and arrange for challenge at the polls; but no name shall be added to or erased from any registry at such meeting.

Meeting on Saturday preceding election.

§ 9. It shall be the duty of the said board of registers and inspectors in each election district carefully to preserve the said registers of electors, for their use on election day, and to designate one of their number, or one of their clerks, to be by them appointed at the opening of the polls, to check the name of every voter voting in such district whose name is on the register, and no vote shall be received at any general election unless the name of the person offering to vote be on the said register; and any person whose name is on the register may be challenged, and the same oaths shall be put as are now prescribed by law, and no person shall be permitted to vote at any election in the city of Brooklyn unless his name shall have been duly registered in accordance with the provisions of this act.

Registers of electors to be preserved by inspectors.

To check names of voters.

Persons not registered not to vote.

Inspectors  
of elec-  
tion.

Chairman.  
Their  
duties.

Poll  
clerks.

Chairman  
to admin-  
ister  
oaths to  
clerks.

Lapse of  
every  
hour to be  
noted on  
poll lists.

Compen-  
sation of  
inspect-  
ors, etc.

Exemp-  
tion from  
jury duty.

Power to  
preserve  
order,  
etc.

To keep  
access to  
polling  
place  
open, etc.

§ 10. It shall also be the duty of the said boards of registers and inspectors to act as inspectors of election, in the districts wherein they are appointed, at the next general election after such appointment. They shall form a board of inspectors of election, by appointing one of their members to be chairman. It shall be their duty to be in constant attendance during the hours allotted for the discharge of their duties; they shall perform all the duties and possess all the powers of inspectors of election in the several towns of this State, as now provided by law, and shall have power to appoint two poll clerks in each election district for the day of election, provided that one of said poll clerks shall be appointed by the inspector who was appointed by the mayor's appointee in the board of elections and the other poll clerk by the other two inspectors. The chairman of the said board of inspectors of each district shall administer the usual oath of office to the said clerks before they enter upon the performance of their duties. The inspectors shall cause the lapse of every hour to be entered upon the margin of the poll lists, beginning at the opening of the polls, and continuing from the hour of eight in the morning, by noting the hour opposite to the name of the respective voter, and causing their chairman to sign his name under each entry, and shall also enter the time of the closing of the poll opposite to the name of the last voter. The compensation of such registers, inspectors and canvassers of election and clerks shall be five dollars per day each; and the said registers and inspectors shall be exempt from jury duty during the year for which they are appointed. The registers and inspectors of elections, and canvassers in each election district while discharging any of the duties imposed upon them by this act, shall have full power and authority, and they are hereby required to preserve order and enforce obedience to their lawful commands, at and around the place of registration or election during the day of any registration, revision of registration, election or canvass, estimate or return of votes; to keep the access to such place open and unobstructed; to prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or ob-

struction of voters, the disturbance or interruption of the work of registration, revision of registration or voting, or the canvass, estimate or return of votes, and to protect the voters, challengers and persons designated to watch the canvass of any ballots, from intimidation or violence, and the registers, poll book, boxes and ballots from violence and fraud, and to appoint or deputize, if necessary, one or more electors to communicate their orders and directions, and to assist in the enforcement thereof.

§ 11. The clerks of each poll shall enter on the poll lists kept by them, in columns prepared for that purpose, first, his residence, number and street; second, the name of each person voting; third, his age; fourth, the number of ballots voted, and for what office the same are voted, in columns appropriately designated for that purpose, and as many additional columns as there are boxes kept at the election.

Entries to be made by clerks.

§ 12. Upon the closing of the polls and immediately thereafter, the board of inspectors shall securely seal the several ballot boxes, and each of them, and deliver the same, together with the poll lists and register of electors, to the board of canvassers.

Ballot boxes to be delivered to board of canvassers.

§ 13. At least fifteen minutes before the closing of the poll the board of canvassers shall meet and organize by electing one of their members chairman; they shall then receive the key of the ballot boxes from the police; and it shall be their duty, in each election district, to attend at the place of holding the poll at the closing thereof; they shall receive from the board of inspectors of election, the said ballot boxes, poll lists, and register of electors, and as soon as the poll of an election shall have been finally closed, shall canvass and count the votes. Such canvass shall be public, and shall not be adjourned or postponed, until it shall have been fully completed; and such canvass shall be commenced, conducted and completed, and the result stated, in the manner now provided by law. The ballots, immediately after the same shall be canvassed and counted, shall be placed again by the canvassers in the ballot boxes from which they were respectively taken, excepting such as are attached to the returns of the

Board of canvassers, when to meet and organize, canvass votes, etc.

Canvass, how conducted.

Ballots to be sealed up in boxes with statement and deposited.

in department of police.

election; and the canvassers shall place in the ballot boxes with the ballots a certificate stating the number of votes cast and the number of votes by them attached to the returns of the said election; and each ballot box, after the tickets shall be so replaced, shall be securely sealed up by the canvassers, and they shall then be deposited by them in the department of police, and shall there be kept undisturbed and inviolate until they are needed at the next election, unless required as evidence in any court of record. No ballot, properly indorsed, found in a box different from that designated by its indorsement, shall be rejected, but shall be counted in the same manner as if found in the box designated by such indorsement; provided, that the counting of such ballot or ballots shall not produce an excess over the number of the ballots deposited in the box, as shown by the poll lists. If a greater number of ballots shall be found in a box than is required by the correspondent columns of the poll lists, all the ballots shall be replaced in the box, and one of the said canvassers, to be designated by the board, shall, without seeing the same and with his back to the box, publicly draw out and destroy as many ballots unopened as shall be equal to such excess.

Certain ballots not to be rejected.

Procedure in case of excess of ballots.

Returns to be made in triplicate.

Police department to announce the vote on bulletin board.

Poll clerks to file copies of tallies from which canvass is made.

Registers and inspectors

§ 14. Upon the completion of the canvass, the canvassers shall make returns in triplicate. One copy shall be deposited with the city clerk and one with the county clerk. The remaining copy shall be deposited with the police department, by whom it shall be at once opened and its contents publicly announced on a bulletin board. It shall also, under proper regulations for its safe keeping be opened to the inspection of any candidate. Poll clerks in the several election districts of the city of Brooklyn shall file with the city clerk, county clerk and police board, within twenty-four hours after the completion of the canvass, a copy of their original tallies from which the canvass is made up of the votes cast and counted at the election, signed with their respective names, and indorsed with the number of the election district and ward.

§ 15. Each person who shall be appointed as register and inspector of elections, and as canvasser of elec-

tions, in pursuance of the provisions of this act, shall, before entering upon the discharge of his duties as register and inspector or canvasser, take the oath now prescribed by law for inspectors and canvassers of election, and file the same with the clerk of the city of Brooklyn, on or before the third Monday of September preceding the day of the general election, except in cases of appointments made to fill vacancies, and in such cases the person so appointed shall take such oath and file the same in the office of the said clerk within twenty-four hours after receiving notice of his appointment. All appointments to fill vacancies shall be made by the said board of elections, or a majority thereof; the said board of elections shall meet on the Saturday and Monday preceding the day of the general election, for the purpose of making appointments to fill vacancies, and all such appointments shall be made on the last mentioned day. In case any vacancy occurs on the day of election, it shall be filled by the remaining inspectors and canvassers, respectively.

to take  
and file  
oath of  
office.

Vacancies how  
filled.

§ 16. Every person appointed as register and inspector of elections, failing to take and file the oath of office hereinbefore provided for, or who shall neglect or refuse to discharge the duties of such register and inspector or canvasser, shall, unless excused by the board of elections, be liable to a penalty of fifty dollars, to be sued for and recovered in any court of record, in the name of the city of Brooklyn, for the use and benefit of the city treasury. And no person so appointed shall be exempt or excused unless he be more than sixty years old, or shall be for any reason, mentally or physically, incapable of performing his duties as such register, inspector or canvasser.

Penalty  
for re-  
fusing to  
serve as  
register,  
etc.

§ 17. Any register, inspector or canvasser of elections who shall willfully absent himself from his duties shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days, and not to exceed sixty days; and any person knowingly acting as register, inspector or canvasser of election, without the qualifications herein prescribed, shall, on conviction thereof, be

Penalty  
for will-  
fully ab-  
senting  
himself  
from his  
duties,  
etc.

deemed guilty of a misdemeanor, and shall be punishable in like manner.

Penalty for making willful false statement to board of registers and inspectors.

§ 18. Any person who shall willfully make any false statement to any board of registers and inspectors, as provided in the fourth section of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail, for not less than thirty days, and not to exceed three months.

For unlawfully causing name to be registered, etc.

§ 19. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter, or register or attempt to register, or vote or offer to vote under a false name, shall, upon conviction, be imprisoned in the State prison for not less than one year nor more than two years.

Board of aldermen to publish places for holding polls.

§ 20. The board of aldermen of the city of Brooklyn shall, on the third Monday of September in each and every year, designate and afterwards publish in at least three newspapers published in the said city, twice a week until the day of election, the places for holding the polls in said city, and for the meeting of the said boards of registers and inspectors. But no building, or part of a building, shall be designated as such place of registry, or polling place, in any part of which wine, beer, or intoxicating liquor is sold, or has been sold within thirty days next preceding the time of so designating the same, and one copy of the registry shall be posted immediately after its completion in some conspicuous place in the room where such meeting shall be held, and any person who may so desire, may examine and make a transcript thereof; and said copies deposited in such public offices shall be open at all times to public inspection without charge. No election district in the city of Brooklyn shall be altered, nor any new district created after the last Monday of August in any year.

Certain buildings not to be designated as polling places.

Districts not to be altered after last Monday of August.

Penalty for obstructing the canvass, etc.

§ 21. Any person who shall mingle, or attempt to mingle any ballot or ballots that have not been voted, with any ballots that have been voted, with intent to prevent a correct canvass; or who shall destroy or remove

any ballot that has been voted with like intention; or who shall abstract, or in any respect forge, alter, destroy, or make away with any registry, certificate, count, tally statement or return, or any writing required to be kept by this act, or by any of the laws of this State relating to elections; or any officer of election, or person acting as such, who shall willfully refuse or neglect to deposit in the proper ballot-box, any ballot offered to him by any person for that purpose, unless for just cause he immediately return it to such person; or shall falsely count, read or tally any name or names on any ticket that has been voted; or falsely announce the number of tickets or ballots any person has voted, or the result of any canvass; or shall knowingly deposit in the boxes ballots offered by persons who are not registered, or shall make any return or statement required by this act, or by any of the laws of this State relating to elections, knowing the same to be untrue, or shall be guilty of any fraud in the execution of the duties of such office, shall on conviction be punished by imprisonment in a State prison, for not less than one, nor more than three years. The term, officers of election, used in this section, shall apply to and embrace registers and inspectors and canvassers, and the clerks appointed by them, or each of them, respectively.

Or officer refusing to deposit ballot in proper box, etc.

Term "officers of election," what to embrace.

Qualifications of registers and inspectors, and of canvassers and clerks.

§ 22. No person shall be appointed as register and inspector, or canvasser of elections, unless he shall be, at the time of his appointment, a qualified voter and resident in the ward containing the election district for which he may be appointed and a tax-payer, nor unless he shall be able to read, write and speak the English language. No person shall be appointed as register and inspector, or canvasser of elections, or clerk, who shall hold at the time of his appointment, or who shall have held at any time during the period of six months last prior thereto, any public office, or place of public trust (except that of notary public or commissioner of deeds), whether elected or appointed thereto, or who shall have been during such time employed in any public office, or by any public officer whose services are paid for out of the public moneys, or who shall be a candidate for any office at the election for which he is to serve. And any

When  
office of  
inspector,  
etc., to be  
vacated.

person appointed as such register, inspector or canvasser, who shall be appointed or elected to, or accept such public office, or such employment therein, or by any public officer as aforesaid, shall immediately thereupon cease to be such register, inspector or canvasser, and the place of such register, inspector or canvasser shall thereupon be filled by the said board of elections as hereinbefore provided for the filling of vacancies by said board of elections.

"Election  
officers"  
not to dis-  
tribute  
ballots,  
etc.

§ 23. It shall be unlawful for any register, inspector or canvasser or poll clerk to distribute, or offer to distribute, or give out, any ballot, ticket or vote, to any person during the time the polls shall be open, with the intent or for the purpose that the same shall or may be voted; or to have in his possession, or within his control, any ballot or ballots, ticket or tickets, vote or votes, except in the lawful discharge of his duty as prescribed by this act; provided, however, that nothing herein contained shall be deemed to prohibit such officer from lawfully exercising his individual right to vote. Each voter shall be admitted into the room where the votes are received, when he deposits his ballot, and all the ballot boxes shall be so placed that each of them and their contents, shall be visible at all times during the day, and until the counting of the ballots shall be completed, to any persons who are voting and to those who are watching the voting and the counting of the ballots; any person convicted of a violation of any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than three nor more than twelve months.

Boxes,  
how  
placed.

Penalty.

Canvass-  
ers to  
immedi-  
ately  
announce  
the re-  
sult, etc.

§ 24. The canvassers, when they shall have canvassed all the ballots in any box, shall immediately announce the result, and send a written statement thereof, subscribed with their names, to the officer in charge of the police precinct in which the election district is located; and that officer shall immediately transmit by telegraph the result of such statement to the head of the police department. Such statement shall contain the total number of votes in such ballot box, and the number of votes found therein for each and every candidate. The



officer receiving such statement shall file it in his office, and it shall be regarded as presumptive evidence for the space of one year, of the facts therein stated, in any court in this State in any action or proceeding. Evidence.

§ 25. The term of office of the several inspectors and canvassers of election, chosen at the last general election in the said city of Brooklyn, shall expire on the appointment of the registers, inspectors and canvassers herein provided for, and the duties of the officers so chosen shall devolve respectively upon the said registers and inspectors and canvassers of elections appointed under this act. The legal compensation of all registers and inspectors, and canvassers of election, and poll clerks and other officers of election, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, pamphlets, blanks and stationery; the rent and cost of fitting up, warming, lighting, cleaning and safe keeping of all places of registration, revision of registration and polling places, of furnishing, repairing and carting ballot boxes, and of all supplies of every kind and nature for all elections in the city of Brooklyn shall be a city charge, and shall upon proper certificates and vouchers be paid in the same manner as by law provided for the payment of other expenses in the city of Brooklyn. But for the purpose of defraying all such expenses for the year eighteen hundred and seventy-two, the mayor, comptroller and city clerk are authorized and directed to issue and sell certificates of indebtedness payable at a time not to exceed one year from date thereof, and bearing interest at seven per cent. per annum, and the amount of such certificates, with an amount sufficient to pay the interest on the same, shall be included in the next annual tax levy. Terms of present officers, when to expire.  
  
Expenses of election to be a city charge.  
  
Expenses of 1872, how provided for.

§ 26. Whoever, during the sitting of any board of registers, inspectors or canvassers of election in any election district in the city of Brooklyn, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of regis- Penalty for taking, etc., distilled or spiritous liquors in place of registration, etc.

tration, or revision of registration or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of any such liquor, shall be deemed to be guilty of a misdemeanor.

§ 27. All laws and provisions of existing laws inconsistent with this act are hereby repealed so far as regards the city of Brooklyn.

§ 28. This act shall take effect immediately.

## Chap. 576.

### AN ACT for the relief of the Rochester and State Line Railway Company.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporation may amend its articles of association.

SECTION 1. The Rochester and State Line Railway Company is hereby authorized to amend its articles of association so as to enable it, under the general law, to extend its railway to Salamanca, in the county of Cattaraugus, and to change the line of its road in such manner as a majority of its directors shall determine, from the city of Rochester to Salamanca aforesaid.

Action of common council of Rochester legalized.

§ 2. The action of the common council of the city of Rochester, accepting the act of the Legislature of this State in relation to the issue of bonds by said city, in aid of said Rochester and State Line Railway Company, is hereby confirmed.

When corporation may apply for appointment of commissioners and acquire title to lands for road-bed.

§ 3. The said Rochester and State Line Railway Company may, whenever five thousand dollars for every mile of its railroad proposed to be constructed in this State is subscribed to its capital stock or to its bonds, and ten per cent. thereon paid in good faith, either in cash or in the bonds of any municipal corporation issued in aid of the construction of said railroad, apply to the Supreme Court in the manner provided by law for the appointment of commissioners; and all subsequent proceedings may be had to obtain the title of lands necessary for the construction and maintenance and operating said railroad, to the same extent and in the same manner as if the whole amount of the capital stock specified in

its articles of association was in like manner subscribed and ten per cent. thereof in like manner paid in cash.

§ 4. This act shall take effect immediately.

## Chap. 577.

**AN ACT** to release to Mary Ann Black certain real estate in the city of Auburn, in the county of Cayuga, of which Archibald Black, her late husband, died seized.

Passed May 7, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** All the right, title and interest of the people of the State of New York in and to that certain real estate, situate in the city of Auburn, in the county of Cayuga, and particularly described in deeds executed by John S. Bartlett and wife, and by Joseph and Joseph H. Choate and wives, to Archibald Black, bearing date June the eighth, eighteen hundred and forty-nine, and recorded in Cayuga county clerk's office, in book seventy-eight of deeds, at page three hundred and thirty-seven, on the fourteenth of June, eighteen hundred and forty-nine, are hereby released to Mary Ann Black, widow of the said Archibald Black, deceased.

Interest of  
State  
released.

§ 2. Nothing in this act contained shall affect or impair the right or interest of any heir at law, devisee, grantee, judgment creditor, or mortgagee, of or in any of the premises hereinbefore referred to.

Not to  
impair  
vested  
rights.

§ 3. This act shall take effect immediately.

## Chap. 578.

AN ACT to facilitate the construction by the New York and Albany Railroad Company of a railroad on the west side of the Hudson river, by authorizing the city of Albany to issue its bonds and the Delaware and Hudson Canal Company to guaranty the same for the purpose of aiding in such construction.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

City of Albany may issue bonds to aid in construction of New York and Albany railroad.

Conditions.

Contract to be made between Delaware and Hudson Canal Co., the city and the railroad Co.

SECTION 1. The city of Albany is hereby authorized to issue its bonds in the ordinary form, payable to bearer, to run not exceeding thirty years, and for an amount in the aggregate not exceeding eleven hundred thousand dollars for the purpose of aiding in the construction of the New York and Albany Railroad, upon the following conditions and obligations to be entered into by the said New York and Albany Railroad Company and of the Delaware and Hudson Canal Company, which conditions, obligations and contracts, the said corporations are hereby authorized to make. The said Delaware and Hudson Canal Company is hereby authorized to contract with the said New York and Albany Railroad Company of the second part, and the city of Albany of the third part, that if the said city of Albany shall issue its bonds to an amount not exceeding that hereinbefore stated, and to run a period not exceeding that hereinbefore stated, and shall receive therefor the stock of the said New York and Albany Railroad Company to an amount estimated at par value equivalent to the amount of bonds so issued, it, the said Canal Company, will simultaneously with the issue of said bonds, bind itself to pay the interest falling due thereon after the first two years from their date, as it shall become due, and will guaranty and indemnify the city of Albany against the principal thereof and all liability to pay the same, in considera

tion of the Delaware and Hudson Canal Company receiving the said stock from the city of Albany, together with all dividends accruing or declared upon the same. And with a view to such arrangements, the said three corporations are authorized to enter into any agreements and contracts for the leasing the said New York and Albany Railroad to the said Canal Company, and the creating a sinking fund for the retirement of the said bonds when falling due, and the indemnifying the city of Albany from liability thereupon as may be proper and judicious for the above purposes.

May contract for lease of the railroad to said canal company.

§ 2. Nothing herein shall be construed to authorize the issue of any bonds by the city of Albany, except upon the terms and conditions above prescribed.

§ 3. This act shall take effect immediately.

## Chap. 579.

### AN ACT in relation to the clerks of the Marine Court of the city of New York.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The salaries of the clerk, deputy clerk, and first and second assistant clerks of the Marine Court, of the city of New York, as fixed by resolution of the board of supervisors, passed the twenty-fourth day of December, eighteen hundred and sixty-nine, and approved by the mayor, the twenty-seventh day of December, eighteen hundred and sixty-nine, is hereby ratified and confirmed, and the comptroller of the city and county of New York is hereby directed to pay the said salaries as so fixed by the said board of supervisors.

Salaries as fixed by board of supervisors confirmed.

§ 2. This act shall take effect immediately.

## Chap. 580.

AN ACT in relation to certain local improvements in the city of New York.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

No contract for regulating, grading, paving, repaving, flagging or otherwise improving streets, etc., shall be held to be valid, unless commissioners hereinafter named shall certify in writing upon the contract that they are satisfied no fraud has been perpetrated in relation thereto or in the performance thereof.

SECTION 1. No contract or agreement made or entered into within five years last past by any department or officer of the city of New York in the name, on behalf, or for the benefit of the mayor, aldermen or commonalty of the city of New York, for regulating, grading, paving, repaving, flagging or otherwise improving any of the streets, avenues or public places in the said city, or any part of any of them, or for setting or resetting curbs therein or for guttering the same, or for building sewers therein, shall be held to be regular, sufficient or valid in case there shall have been an omission to advertise, or an irregularity in advertising any ordinance, resolution or other proceedings relating to or authorizing the work for which any such contract or agreement shall have been made, or the proposals for the same; or in case there shall have been any omission on the part of any department or officer of the city to comply with or carry out the provisions of any law or ordinance relating to such work, or to the execution of the contract or agreement, or in case there shall have been a defect in the authority or want of authority of the department or officer by whom any such contract or agreement shall have been made; unless the commissioners hereinafter appointed or a majority of them shall certify in writing upon the contract or agreement that they are satisfied that no fraud has been perpetrated in relation thereto or in the performance thereof, but such contracts and agreements are hereby ratified and confirmed, and declared to be valid and binding in each and every case in which such commissioners, or a majority of them, shall certify as hereinbefore provided, and if any contract shall have been heretofore awarded which has not been executed, the proper officer or officers of said

city shall execute the same upon a certificate by such commissioners, or a majority of them, that they are satisfied that there has been no fraud in the award of the contract, and all the provisions of this act shall apply to each and every contract that shall thereupon be executed.

§ 2. James Emott, Josiah Sutherland and Hooper C. Van Vorst are hereby appointed commissioners for the purposes mentioned in this act. It shall be the duty of the said commissioners to examine into the facts and circumstances relating to each of the said contracts or agreements, which the party or parties interested therein, or their legal representatives, shall require said commissioners to pass upon, by a written notice served upon the comptroller of the city of New York within thirty days after the passage of this act, and also into the work performed under the same; and after they shall have made such examination and given and opportunity for a hearing to the parties interested who have served such notice, and to the comptroller of the city of New York, they shall within ninety days after the passage of this act, either certify upon the contract or agreement, or in regard to the award, as provided in the preceding section, or else they shall certify thereon in regard thereto that they are not so satisfied. Said commissioners before entering upon their duties shall severally take and subscribed an oath or affirmation, to be filed in the department of finance, that they will severally, justly and fairly hear and consider the matter submitted to them, and make a just and true decision thereof. Such decision of said commissioners, or a majority of them, shall be binding upon the mayor, aldermen and commonalty of the city of New York, and upon all the parties to the contract, agreement or award who signed such requirement or who was heard before said commissioners in regard thereto, and shall be final and conclusive as to all questions of fraud in relation to said contracts, agreements or awards severally, and the performance thereof. The presiding judge of the court of common pleas of the city and county of New York shall have power to fill any vacancy that may at any time occur in the num-

Commissioners.

Duty of commissioners to examine into the facts in relation to each contract.

Parties interested to be heard.

Certificate to be made within ninety days.

Commissioners to take oath.

Decision to be binding on city and all parties interested.

Vacancy, how filled.

ber of commissioners appointed by this act, or their successors.

In what cases payment to be made.

§ 3. If such a certificate as is mentioned in the first section of this act shall be so indorsed upon any contract or agreement embraced within the provisions of that section, the comptroller of the city of New York shall make such payments as shall be required by such contract or agreement to the party or parties entitled thereto, in the same manner and to the same extent as if the contract or agreement had been regular, sufficient and valid. In every case in which the contractor or the person to whom any award may have been made shall have been delayed or prevented in the performance of the work under any such contract or agreement upon which such certificate shall be so indorsed by the omission of any payment to him, or by any other omission or neglect on the part of the said city or of any department or officer thereof, the time for the completion of the work shall be extended by such number of days as the said commissioners or a majority of them shall determine to be equal to the period during which the contractor has been so delayed or prevented; and the interest on the payments advanced to the contractor shall be suspended during the same period.

In what cases time to perform contract to be extended.

Provisions of chapter 897, Laws of 1855, made applicable to all local improvements and public works in cases where the expense is to be paid in whole, or in part, by assessment on property benefited.

§ 4. The provisions of chapter three hundred and ninety-seven of the Laws of eighteen hundred and fifty-two, entitled "An act to authorize the mayor, aldermen and commonalty of the city of New York to issue assessment bonds," shall apply and are hereby applied and made applicable to all local improvements and other public works in said city, heretofore made or performed, or that shall be hereafter made or performed, under and by virtue of authority of law in all cases in which the expense thereof is to be paid, in whole or in part, by assessment upon the property benefited thereby, and also to the cases of the contracts or agreements embraced within the provisions of the first section of this act; and such assessment bonds as are authorized by the act first in this section mentioned may be issued in each and every such case, in the same manner and with the same effect as if the improvement or work had been ordered to be done by



contract or agreement under and by virtue of an ordinance or ordinances passed by the mayor, aldermen, and commonalty of the said city. On all work hereafter contracted for, no interest shall be charged on the monthly or other intermediate payments to any contractor, and thirty per cent. and no more shall be reserved from the amount or value of work specified and certified from time to time, to said comptroller, by the proper officer to have been done by any contractor; and such reserved thirty per cent. shall be paid to such contractor on or before the expiration of thirty days from the completion and acceptance of the work.

Interest,  
when not  
to be  
charged.

Amount  
to be  
reserved.

Reserve,  
when to  
be paid.

§ 5. The said comptroller shall certify to the board of assessors of the said city the total amount of all the expenses which shall have been paid or incurred by the mayor, aldermen and commonalty of the said city, for work, labor and materials under the several contracts and agreements embraced within the provisions of the first section of this act; and the said board of assessors are hereby authorized and required to assess, in the manner provided by law, upon the property benefited by the several improvements specified in the said contracts or agreements respectively, such expenses as shall be so certified by the comptroller; and all the provisions of law in relation to making, entering and collecting assessments, for local improvements in the said city, shall apply to every such expense and assessment.

Comptroller to certify amount paid or incurred by city and assessors to assess same on property benefited.

§ 6. The board for the revision and correction of assessment lists, constituted by section one of chapter three hundred and eight of the Laws of eighteen hundred and sixty-one, entitled "An act relative to contracts by the mayor, aldermen and commonalty of the city of New York," is hereby continued and established, and the said board or a majority thereof shall have and perform all the powers and duties relative to the revision, correction and confirmation of assessment lists, specified in the various laws relating to assessments in the said city, or in or by any such law conferred upon any officer, board or department of the said city, and all the proceedings of the said board or a majority thereof heretofore shall be valid and effectual, and are

Board for revision and correction of assessment lists continued and established.

Powers of  
board

hereby ratified and confirmed. Said board shall have power to consider on the merits all objections made to any assessment, and to subpoena and examine witnesses in relation thereto, and to confirm said assessments or to refer the same back to the board of assessors for revision and correction in such respects as they may determine.

Assess-  
ments not  
to be set  
aside  
except for  
fraud, etc.

§ 7. No assessment heretofore made or imposed, or which shall hereafter be made or imposed, for any local improvement or other public work in the said city, already completed, or now being made or performed, shall hereafter be vacated or set aside, for or by reason of any omission to advertise, or irregularity in advertising any ordinance, resolution, notice or other proceeding relative to or authorizing the improvement or work for which such assessment shall have been made or imposed, or for proposals to do the work; or for or by reason of the omission of any officer to perform any duty imposed upon him, or for or by reason of any defect in the authority of any department or officer upon whose action the assessment shall be in any manner or to any extent depend; or for or by reason of any omission to comply with or carry out any detail of any law or ordinance; or for or by reason of any irregularity or technicality except only in cases in which fraud shall be shown, and in cases of assessment for repaving any street or public place, upon property for which an assessment has once been paid for paving the same street or public place, and all property in said city benefited by any improvement or other public work already completed or now being made or performed, except as aforesaid, shall be liable to assessment for such improvement or work; and all assessments for any such improvement or other public work shall be valid and binding notwithstanding any such omission, irregularity, defect in authority or technicality. But nothing in this section contained shall affect any suit or proceedings to set aside an assessment commenced before the first day of January, eighteen hundred and seventy-two.

All prop-  
erty bene-  
fited by  
any work  
to be  
assessed  
for the  
same.

Not to  
affect  
existing  
suits.

Clerk.

§ 8. Said commissioners shall have power to employ a clerk, and the comptroller shall pay all necessary expenses incurred in carrying out the provisions of this act, including a compensation to the commissioners and

their clerk at the rate of ten dollars a day for each day they shall be actually employed, and such expenses shall be paid out of the revenues of the said city.

Compensation of commissioners and clerk.

§ 9. All acts and parts of acts heretofore passed, so far as the same are inconsistent with the provisions of this act, are hereby repealed.

§ 10. This act shall take effect immediately.

## Chap. 581.

AN ACT supplementary to and amendatory of an act entitled "An act to amend and consolidate the charter of the village of Middletown," passed February seventeen, eighteen hundred and seventy-two.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of title two of the act entitled "An act to amend and consolidate the charter of the village of Middletown," passed February seventeen, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 4. The clerk of the village, the treasurer, collector, attorney, street commissioner, and such subordinate officers as may be authorized by this act, shall, annually at the first meeting of said board of trustees, be appointed to office by said trustees, or a majority thereof, and shall hold office for the term of one year and until their successors are appointed, and may be suspended by the president and removed by the board of trustees for cause; and said three assessors and police justice shall be respectively appointed by said trustees, in the manner and for the term prescribed in the following sections:

Officers to be appointed by board of trustees and their term of office.

§ 2. Section seven of title two of said act is hereby amended so as to read as follows:

§ 7. No person can be eligible to any office in said village unless he shall, at the time of his election or appointment thereto, be a resident and elector of said vil-

Qualifications of officers.

lage, and whenever an officer of said village shall cease to be a resident thereof, his office shall become vacant. No person shall be eligible to the office of assessor or trustee of said village except a freeholder thereof. And no person elected to the office of trustee or president shall, during the term for which he was elected, be appointed to hold any office under said board of trustees.

§ 3. Section seven of title four of said act is hereby amended so as to read as follows:

Powers  
and duties  
of col-  
lector of  
taxes.

§ 7. The collector of said village shall collect all taxes and assessments for which the warrants of the trustees shall be delivered to him, and within the time specified in such warrant, and pay the same into the hands of the clerk of the village, daily, and said clerk shall pay the same and all other moneys received by him, under the provisions of said act, forthwith to the treasurer of said village; and the said collector shall possess the same power, proceed in the same manner, and be entitled to demand and receive the same compensation as collectors of taxes in towns, except as otherwise provided in this act.

§ 4. Section eleven of title four of said act is hereby amended so as to read as follows:

Powers  
and  
duties of  
street  
commis-  
sioner.

§ 11. It shall be the duty of the street commissioner, under and subject to the direction and control of the board of trustees, and by order of said board through the president to take general supervision and charge of all highways, streets and walks in said village, and make a return, on oath, to the board of trustees, at every monthly meeting thereof, stating the kind and amount of work done on the same, and when and upon what street or place performed; and also to perform such other duties as may be prescribed by the trustees; and they may at any time limit, regulate or restrain him in the performance of his duties and shall receive an annual compensation for his services not to exceed the sum of seven hundred dollars.

§ 5. Section eleven of title seven of said act is hereby amended so as to read as follows:

Powers  
and du-  
ties of po-  
lice con-  
stables.

§ 11. The trustees shall have power to appoint police constables, not exceeding four in number, who shall possess the same powers and perform the same duties

within said village, and shall be subject to the same liabilities as town constables in the town of Wallkill; it shall also be the duty of such police constables to obey such orders and directions as they may from time to time receive from the police justice or the president of the village regarding their duties; to report to the president or police justice all violations of the ordinances and by-laws of the village, with the names and residences of the witnesses; to preserve the public peace; to attend all public assemblages in said village; to be vigilant for the prevention and discovery of crimes and the detection of criminals, and to report to the president or police justice all crimes and offenses committed in the village; to arrest all persons in the actual commission of crimes, misdemeanors and breaches of the peace, and all vagrants or disorderly persons; to execute all criminal process issued by the police justice or justice of the peace acting in his stead, and such police justice or justice acting in his stead, shall deliver all such process to the police constables or one of them, to be executed; to report to the president or police justice all suspicious persons, houses of ill-fame, gaming houses, and all places where idlers, tipplers, gamblers, or other disorderly or suspicious persons may frequent or congregate, and to perform such other duties, from time to time, as the trustees or president of the village may prescribe or direct.

§ 6. This act shall take effect immediately.

## Chap. 582.

AN ACT to incorporate the Union Stock Yard and Market Company.

Passed May 7, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. John B. Dutcher, A. M. Allerton, David Allerton, William C. Moore, T. C. Eastman and Akin T. Thomas, their associates and assigns; and all persons who may become stockholders in the corporation hereby created, shall be and they and their successors are

Corporators.

Corporate  
name.

hereby constituted and declared to be a body corporate and politic by the name and style of the Union Stock Yard and Market Company, with power in and by their corporate name to purchase, hold, lease, mortgage and convey such real, personal or leasehold property, or franchise in this and other States, as they may deem necessary for the purposes of such corporation.

Business  
and  
general  
object.

§ 2. The business and general object of said corporation shall be the construction, maintaining, operating and carrying on of such yards, buildings, structures, vehicles and other appurtenances or chattels as may be desired or required by them for the reception, safe keeping, accommodation, feeding, watering, marketing, killing and packing, and for the weighing, forwarding, delivery and transfer of cattle and live stock of every description; and also all dead and undressed animals and manufacturing portions of the same into articles of commerce, and also the accommodation and transaction of the business of general stock yards, and slaughtering and market establishments for cattle and live stock, including the erection and establishment of one or more hotels and the right to use, keep, manage or lease the same for the accommodation of the public doing business at such yards or places and otherwise; and the said company shall have power to increase, enlarge, relocate, replace, sell or lease the said yards, structures, building or other property as shall become necessary or expedient from time to time, and the said company shall also have the right and power to make advances of money upon such cattle and live stock, and dead and undressed animals for freight and other purposes, and to demand and receive reasonable charges and compensation for such advances and also for the care, subsistence, yarding, keeping, forwarding or handling, and for the killing, packing and rendering of such cattle, live stock, dead or undressed animals and for the accommodation furnished at such hotel or hotels in case the same shall be kept or managed by said company, and the said company shall also possess the right and power to purchase, sell, market, slaughter and pack cattle and live stock of every description, and also dead and undressed animals, and also to manufacture portions of

May build  
hotel, etc.

Charges  
and  
compensation.

the same into articles of commerce, and to dispose of the same and of all offal and manure.

§ 3. The capital stock of the corporation hereby created shall be one million of dollars, which may be increased, from time to time, by the vote of two-thirds in interest of the stockholders, to any sum not exceeding two millions of dollars, and said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be assignable and transferable on the books of said company in such manner as may by the by-laws thereof be prescribed. But said corporation may be organized and commence operations when the capital stock to the amount of one hundred thousand dollars shall have been subscribed, and ten per cent. in cash paid in upon such subscription.

Capital  
stock.

When to  
commence  
business.

§ 4. The corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not more than thirteen persons, who shall be stockholders in said company, and who shall hold office for one year and until others are chosen in their places and have qualified.

Corporate  
power  
vested in  
board of  
directors.

§ 5. John B. Dutcher, A. M. Allerton, and Akin T. Thomas, shall be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company, at such time and place as they or a majority of them may deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscription than one hundred thousand dollars as hereinbefore provided. The first board of directors of said company shall be elected by a majority in interest of the stockholders voting at an election to be held under the direction and inspection of said commissioners, within twenty days from the closing of the subscription called for by them; and such directors so elected shall hold their offices until the second Wednesday of January, one thousand eight hundred and seventy-three, and until others are chosen in their places and have qualified, and on the last named day, and on the second Wednesday of January in each year thereafter, the stockholders of the said corporation shall

Commissioners to  
open  
books for  
subscription  
to  
stock.

First  
board of  
directors,  
when to  
be elected.

Annual  
election.

Failure to hold an election not to dissolve corporation.

Vacancies, how filled.

Officers.

By-laws.

Corporate bonds.

Payments for property may be made in stock.

Principal office.

elect the directors for the ensuing year; each shareholder shall be entitled to one vote on each share of stock held by such shareholder; voting shall be by ballot, and may be in person or by proxy. If at any time an election of directors does not take place on the day appointed by this act, the said corporation shall not in that case be dissolved, but an election may be held on any other day to be designated in such manner as shall be prescribed by the directors or provided for by the by-laws. Vacancies in said board, occasioned otherwise than by a failure to elect, may be filled by the remaining directors, until the next annual election or until some other person may be elected to fill the place.

§ 6. The directors shall annually elect one of their number president, and appoint a secretary and treasurer, and such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places and have qualified; and said directors may make and ordain such by-laws and regulations, not inconsistent with existing laws, as they may deem necessary and proper for conducting the business of said corporation.

§ 7. Said company may, from time to time, raise such sum or sums of money as may be necessary to carry out the purposes of their incorporation, and for that purpose may issue and sell or dispose of their corporate bonds in such amounts, with such conditions and at such prices as they may deem reasonable, and may mortgage their corporate property or privileges, or any part thereof, to secure the payment of such bonds.

§ 8. The said company may, upon agreement of parties, issue or deliver stock in payment of the amounts to be paid for any real or personal property purchased, leased or otherwise acquired by it, and for the construction, maintenance and operation of said yards, buildings and other property, and for any of the purposes authorized by this act, which stock so applied or appropriated shall be taken and deemed to be full, paid up stock.

§ 9. The principal office of said company shall be in the city of New York, and the election of directors and the meeting of the board of directors shall be there.



§ 10. The said corporation shall possess the powers and be subject to the provisions of title three, chapter eighteen of the first part of the Revised Statutes, as far as the same are applicable. General powers.

§ 11. This act shall take effect immediately.

## Chap. 583.

AN ACT to re-appropriate certain money for the enlargement of the Champlain canal, and also to re-appropriate the sum of forty-four thousand dollars, a portion of the unexpended balance appropriated by chapter seven hundred and sixty-eight of the Laws of eighteen hundred and seventy, to pay awards by the Canal Appraisers and the Canal Board for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine; and further to re-appropriate the sum of ten thousand dollars, for the purpose of rebuilding of stone the State dam at Troy.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of three hundred and forty-seven thousand six hundred and twenty-five dollars, being the unexpended balance of four hundred thousand dollars, appropriated by the act entitled "An act to provide and making an appropriation to enlarge the Champlain canal," passed May eighteenth, eighteen hundred and seventy, is hereby re-appropriated to the same object. Re-appropriation to enlarge Champlain canal.

§ 2. The sum of forty-four thousand dollars, being a portion of the unexpended balance of one million and eleven thousand one hundred and thirty-eight dollars and forty-two cents, appropriated by chapter seven hundred and sixty-eight of the Laws of eighteen hundred and seventy, to pay awards by the Canal Appraisers and the canal board, for the years eighteen hundred Re-appropriation.

and sixty-eight and eighteen hundred and sixty-nine, which sum of forty-four thousand dollars being in excess of the amount required for that purpose, is hereby re-appropriated for the following purposes, to be expended under the direction of the Canal Commissioners:

For dam  
and guard-  
lock at  
Bingham-  
ton.

For completing the work and paying arrearages due to the contractor on the dam and guard-lock now being constructed in the Susquehanna river at Binghamton, and the section connected therewith, for the canal extension, thirty thousand dollars.

Chenango  
canal.

For commutation money on two bridges discontinued on the Chenango canal extension, two thousand dollars.

Owasco  
feeder.

For the purpose of improving the Owasco feeder at and above the dam now used by the Auburn water-works company, two thousand dollars, or so much thereof as may be necessary to be expended, by and under the direction of the Canal Commissioners, for the present year.

Miscella-  
neous.

For the payment of damages to certain claimants arising from the temporary diversion of the water of the outlet of Skateateles lake, the sum of four thousand dollars, to be settled and paid by the Canal Commissioners, it being expressly provided that no one claim shall be settled and paid exceeding the sum of six hundred dollars. For the payment of George Heath, for the construction of two of "Heath's patent tumble gates," in locks forty-seven and forty-eight at Syracuse, now being widened, the sum of four thousand dollars, or so much thereof as may be necessary. For the payment of certain expenses incurred in defending the State trial of claims before the Canal Appraisers on the Chenango canal extension, two thousand dollars, or so much thereof as may be necessary.

§ 3. The sum of ten thousand dollars appropriated by section one of the act entitled "An act to authorize the tax of one mill per dollar of valuation of the year eighteen hundred and seventy, for construction of new work upon and extraordinary repairs of the canals of this State, passed May ninth, eighteen hundred and seventy," for the purpose of rebuilding of stone the State dam at Troy, is hereby re-appropriated for the

State dam  
at Troy.

same purpose, subject to all of the provisions and requirements of said act.

§ 4. This act shall take effect immediately.

## Chap. 584.

AN ACT in relation to certain lands in the twelfth ward of the city of New York, belonging to the mayor, aldermen and commonalty of said city.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The department of public instruction of the city of New York is hereby authorized to take possession of, and use so much of the lands and premises acquired under or by virtue of section two of chapter four hundred and ten of the Laws of eighteen hundred and seventy, entitled "An act to provide for a police court-house in the city of New York," passed April twenty-seven, eighteen hundred and seventy, as shall be deemed by said department necessary or advisable as a site for the erection thereon of a building or of buildings for public school purposes. It shall be the duty of said department to select and designate what portion or portions of said lands may be required for said purposes, and to notify the commissioners of the sinking fund of such selection; and such site shall not be sold, leased or otherwise incumbered unless such disposition thereof is expressly authorized by some law hereafter passed.

Department of public instruction may take and use premises acquired for police court-house site for site for school-house.

To notify commissioners of sinking fund.

§ 2. This act shall take effect immediately.

## Chap. 585.

AN ACT to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Agent and warden, under direction of commissioners of the land office, to sell land.

Description of land.

Sale, how made.

Proceeds, to whom paid.

SECTION 1. The agent and warden of the Auburn prison, with the approval and under the direction of the Commissioners of the Land Office, is hereby authorized and directed to sell the piece of land belonging to the State, in the city of Auburn, lying south of the lands leading from State street, to the prison dam, being a strip of land thirteen feet and three inches on said State street, and running to a point on said lane, reserving at all times the right of way through the lane on the north side of said land to the prison dam, for the purposes of repairing or reconstructing the same; and also the right at any time of occupying so much of said land as may be necessary for the purposes of placing material for such repairs or reconstruction. Such sale to be made at public auction on said lands, upon the same notice required by law of sheriffs, in case of sale of real estate on execution, and for cash on the day of such sale.

§ 2. The said agent and warden is directed to pay from the proceeds of said sale, if they are sufficient for that purpose, after paying the expenses thereof, to John W. Farmer, of the town of Fleming, in the county of Cayuga, the sum of one hundred and seven dollars, with interest thereon from the seventh day of April, eighteen hundred and sixty, or so much thereof as the proceeds of said sale will pay of the same.

§ 3. Any surplus moneys not paid pursuant to section two, of this act shall be paid into the treasury of the State.

§ 4. This act shall take effect immediately.

## Chap. 586.

AN ACT relating to lands in the city of New York, devised by Francis Wiener, deceased,

Passed May 7, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On the petition of Wilhelmine Wiener, and the descendants in being of Francis Wiener, deceased, such descendants while infants petitioning by a next friend; the Supreme Court at a special term thereof, held in the city of New York, in the county of New York, may authorize the sale in fee simple absolute of all that certain lot of ground, with the buildings thereon, erected, situate, lying and being on the west side of Ludlow street in the city of New York, and known as numbers forty-one and forty-three Ludlow street; said lot being twenty-five feet in front and rear, and eighty-seven feet six inches deep on each side, be the said several dimensions more or less, being the same premises conveyed by George Taylor, senior, and wife, to Mary Fream, by deed bearing date February twenty-six, seventeen hundred and ninety-five, and recorded in the office of the register, then clerk, of the city and county of New York, in liber number fifty-one of conveyances, page three hundred and thirty, on the tenth day of May, seventeen hundred and ninety-six, together with all the right, title and interest of the said Wilhelmine Wiener, and the descendants of said Francis Wiener, in and to the land lying in said Ludlow street, being the property which was devised by the said Francis Wiener, in and by the third and fifth clauses of his last will and testament, bearing date the fifth day of June, one thousand eight hundred and seventy-two,\* to his wife Wilhelmine Wiener, for life, and immediately after her death to such of his children as might be living at the time of her death, and the issue of such as may have died leaving issue, such issue to take the share, his, her or their parent would have received if living; or any part or parts thereof, from time to time, as may be judged expedient

On petition, Supreme Court may order sale of land.

Description of premises to be sold.

\*So in the original.

Guardians  
to be ap-  
pointed  
for  
infants.

Sale to be  
made  
and pro-  
ceeds in-  
vested  
under  
direction  
of the  
court.

Sales to be  
reported  
to, and  
confirmed  
by, the  
court.

Sale to be  
effectual  
to vest  
title in fee  
simple in  
purchaser.

and calculated to promote the interests of said Wilhelmine Wiener, and the descendants of said Francis Wiener, whether yet in being or not. The court shall appoint one or more suitable persons as guardians of the infant descendants of said Francis Wiener, in relation to the proceedings on such application.

§ 2. Such sale or sales shall be made under the direction of the Supreme Court, sitting at any special term in the county of New York, by auction or private sale, and the proceeds arising from such sale or sales shall be invested in such manner, from time to time, as the said court shall direct, and shall be applied to the use of the same persons, and be subject to the same limitations as provided for in the will of the said Francis Wiener, in relation to the interest of said Wilhelmine Wiener and such descendants in said property, provided, always, that the court may direct the payment and reimbursement out of the proceeds of such sale or sales, of the costs, fees and expenses of such application, and of the proceedings thereunder, and the payment of all incumbrances, taxes and assessments now due or to become due on said property, or any part thereof, and the payment and reimbursement of the life tenant of such proportion of any assessment imposed upon said premises or any part thereof, and which have heretofore been paid by the life tenant as according to law, and the practice of the court is chargeable against the remaindermen. Any sale or sales made pursuant to this act shall be reported to the court, and if approved the court shall confirm the same and direct a conveyance to be executed by said Wilhelmine Wiener, and such of the descendants of Francis Wiener as may then be in being and of full age, and by such referee appointed by the court to act on behalf of the infant and unborn descendants of said Francis Wiener.

§ 3. All sales and conveyances made as aforesaid, in pursuance of such authority or direction, shall be valid and effectual, to vest in the purchaser or purchasers, his, her, or their heirs or assigns, a fee simple absolute in and to lands so conveyed, as against the said Wilhelmine Wiener, and all the descendants of said Francis Wiener,

whether in being or not, who might become interested therein under said will.

§ 4. This act shall take effect immediately.

## Chap. 587.

AN ACT to authorize the appointment of assistant district attorneys in certain counties in this State.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows.*

SECTION 1. It shall be lawful for the supervisors of any county in this State having at its last census a population exceeding seventy thousand, to authorize the district attorney of such county to appoint a suitable person to be the assistant of such district attorney. Every such appointee must be a counsellor at law and a citizen and a resident of the county in which he is appointed. Every such appointment shall be in writing, under the hand and seal of the district attorney, and shall be filed in the clerk's office of the county in which such appointment is made. Every such person before he enters upon the duties of his office, shall take and subscribe the constitutional oath of office. Every such appointment may be revoked by the district attorney making the same, which revocation shall be in writing, and shall be filed in the said county clerk's office.

Super-  
visors may  
authorize  
appoint-  
ment of  
assistant  
district  
attorney.

Qualifi-  
cations of  
appointee.

Appoint-  
ment to  
be made  
by district  
attorney.

Official  
oath.

Revoca-  
tion.

§ 2. It shall be lawful for every such assistant to attend all the criminal courts which may be held in his county, and to assist in conducting all prosecutions for crimes and offenses cognizable therein. It shall also be lawful for every such assistant to attend and appear before any grand jury in his said county, and to perform the same duties before such jury as are by law imposed upon or required by the district attorney.

Powers  
and duties  
of

§ 3. Every such assistant district attorney shall be compensated for his services at and after such annual rate as shall be determined by the board of supervisors of the county in and for which he shall be appointed.

Compensation.

Not to  
apply to  
certain  
counties.

§ 4. The provisions of this act shall not apply to any county where the appointment of an assistant district attorney is now authorized by law.

§ 5. This act shall take effect immediately.

## Chap. 588.

AN ACT to amend the act entitled "An act to amend and make additions to an act entitled 'An act to revise the charter of the city of Oswego,'" passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereto, as amended April fifteenth, eighteen hundred and seventy.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twenty-eight of chapter two hundred and twenty-eight of the Laws of eighteen hundred and seventy is hereby amended so as to read as follows:

Treasurer  
to deposit  
and keep  
all moneys  
with the  
bank that  
will pay  
highest  
interest,  
give  
security  
and make  
loans to  
city.

§ 28. The treasurer shall deposit and keep all moneys belonging to the city, or that shall come into his hands, in such one of the banks in said city as will pay the highest rate of interest, not exceeding seven per cent. for such deposits for the use of the city, and will give security for the payment of such deposits, to be approved by the common council; and will also agree to loan to the city all such sums as the common council may be authorized to borrow under the provisions of this act. The treasurer shall deposit in said bank all moneys received by him within forty-eight hours after their receipt, and, for a failure or neglect to comply with this provision, shall be liable to removal from office and be deemed guilty of a misdemeanor. He shall furnish to the common council, as often as once in two weeks, the amount of receipts (from the commencement of the fiscal year) and payments, showing the balance of money his hands at such time. He is hereby prohibited from indorsing city orders in any way to make them draw interest.

When to  
deposit.

To furnish  
statement  
of receipts  
and pay-  
ments to  
common  
council.

§ 2. This act shall take effect immediately.



## Chap. 589.

**AN ACT in relation to the Board of Trustees of the General Convention of Universalists in the United States of America.**

Passed May 7, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the corporation now known as and called "The Board of Trustees of the General Convention of the Universalists in the United States of America" (which corporation was created such by chapter one hundred and thirty-three (133) of the Laws of eighteen hundred and sixty-six) is hereby changed to, and henceforth the said corporation shall be called and known by the name of "The Universalist General Convention."

Name  
changed.

§ 2. This act shall take effect immediately.

## Chap. 590.

**AN ACT to regulate processions and parades in the cities of the State of New York.**

Passed May 7, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No procession or parade shall use any street upon the surface of which is a railway track or tracks by marching upon the said track or tracks, and a free passage of cars upon railway tracks shall not be interfered with by the formation, halt or march of any such procession or parade, or of the persons composing it. Whenever any procession shall find it necessary to march across a railway track, the portion of said procession which in so marching is likely to stop the passage of any car or cars upon said track shall come to a halt in order to permit said car to proceed.

No procession or parade to interfere with free passage of cars upon railways.

How to cross railway tracks.

Certain  
parades  
and pro-  
cessions  
forbidden,  
except  
upon  
notice,  
etc.

§ 2. All processions or parades, occupying or marching upon any street of any city to the exclusion or interruption of other citizens in their individual right of use thereof (excepting the national guard and the police and fire department), are forbidden, unless written notice of the object, time and route of such procession or parade be given by the chief officer thereof, not less than six hours previous to its forming or marching, to the police authorities of said city; and it may be lawful for said police authorities to designate to such procession or parade how much of the street in width it can occupy with especial reference to crowded thoroughfares through which said procession may move; and when so designated, the chief officer of said procession or parade shall be responsible that the designation is obeyed; and it shall be the duty of the police authorities to furnish such escort as may be necessary to protect persons and property, and maintain the public peace and order.

Escort to  
be fur-  
nished.

Forbidden  
on Sun-  
day.

§ 3. All processions and parades on Sunday, in any street or public place of any city, excepting only funeral processions engaged in the actual burial of the dead, and processions to and from any place of worship in connection with a religious service there celebrated, are forbidden; and in no such excepted case shall there be any music, fireworks, discharge of cannon or firearms, or other disturbing noise; provided, that in any military funeral music may be played while escorting the body, but such music shall not be played within one block of any place of worship where worship is being celebrated.

Fire-  
works,  
etc., pro-  
hibited.

Penalty.

§ 4. Every person willfully violating any provision of this act shall be guilty of a misdemeanor, punishable with a fine not exceeding twenty dollars, or imprisonment not exceeding ten days, or both at the discretion of the court.

§ 5. This act shall take effect immediately.

## Chap. 591.

AN ACT to authorize the Pennsylvania and Sodus Bay Railroad, the Sodus Bay and Corning Railroad Company, and the Sodus Point and Southern Railroad Company to connect their respective railroads by branches therefrom.

Passed May 7, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. "The Pennsylvania and Sodus Bay Railroad," "the Sodus Bay and Corning Railroad Company," and "the Sodus Point and Southern Railroad Company," jointly or either of them, are hereby authorized to construct and maintain a branch railroad between the railroads of said companies; or any two of them commencing at some convenient point in the line finally adopted by the first mentioned company in Seneca county, and running to some convenient point in the line adopted by said last-named company in the county of Ontario or in the county of Wayne, so as to connect said railroads at said points, and allow engines and cars to pass to, over and from either of said railroads to the other or others.

Branch road to connect railroads may be built by either company.

§ 2. For the purposes aforesaid, each or either of said railroad companies may take and hold necessary real estate by gift, grant, devise or otherwise: and in case said companies or either of them are unable to agree for the purchase of any real estate required for the purposes aforesaid, either of said abovementioned railroad companies shall have the right to acquire such real estate in the manner and by the special proceedings prescribed by the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed, April two, eighteen hundred and fifty, and the acts amendatory thereof, in the same manner and to the same extent as if the whole amount of capital stock specified in the original articles of association of said companies had been subscribed and paid in, in full, and as

May acquire title to real estate for such purpose.

to such connecting branch or extension the said companies or either of them shall be subject to all the provisions of chapter one hundred and forty of the Laws of eighteen hundred and fifty, and the acts amendatory thereof.

§ 3. This act shall take effect immediately.

## Chap. 592.

### AN ACT making provision for the support of the Albany City Dispensary.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

\$1,000 to be raised annually, by tax, for Albany City Dispensary.

SECTION 1. It shall be the duty of the common council of the city of Albany, hereafter, to levy and raise annually, in the same manner as taxes are now required by law to be levied, the sum of one thousand dollars and no more, to be paid to the treasurer of the Albany City Dispensary for its support.

§ 2. This act shall take effect immediately.

## Chap. 593.

### AN ACT to extend the distribution of Croton water through the city of New York, and to lay the necessary mains to deliver it at higher elevations.

Passed May 7, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

City may expend \$750,000 to extend and enlarge the distribution of Croton water.

SECTION 1. The mayor, aldermen and commonalty of the city of New York, by the commissioner of public works, are authorized to expend, in laying pipes to extend and enlarge the distribution of Croton water through the city of New York, and to furnish a sufficient supply of Croton water to the institutions in charge of the department of public charities and correction located on

Blackwell's Island, Ward's Island, and Randall's Island, and in laying mains necessary to deliver water at higher elevations, a sum not exceeding seven hundred and fifty thousand dollars.

§ 2. It shall be the duty of the comptroller of said city of New York, and he is hereby authorized and directed to borrow, upon the bonds of the mayor, aldermen and commonalty of the city of New York, such amounts as, in the judgment of the commissioner of public works, may be necessary to execute the works aforesaid, not exceeding the sum mentioned in the first section of this act. The mayor and comptroller of said city are authorized and directed to sign such bonds. Such bonds shall be entitled "Croton water main stock of the city of New York," shall bear interest at the rate of not exceeding seven per cent. per annum, and shall be redeemable in not less than ten nor more than fifty years, as the said comptroller shall determine to be for the best interest of the said city. Such bonds shall not be disposed of for less than the par value thereof; and it shall be the duty of the clerk of the common council to countersign the same and affix the seal of the city thereto. And the board of supervisors of the county of New York is hereby authorized and directed to raise, from time to time, by tax, upon the estates, real and personal, subject to taxation in the city and county of New York, the sum or sums of money which may be required to pay the interest on the said bonds and to redeem them at maturity.

Comptroller to borrow necessary money.

Bonds, how entitled.

Supervisors to levy tax.

§ 3. All the provisions of the laws heretofore passed, pledging the faith of the city of New York, and providing sinking funds for the payment of the interest on the city debt, and the redemption of the principal of said debt, which are not repugnant to or incompatible with any provisions in this act contained, are hereby made applicable to the bonds issued in pursuance of this act.

Sinking fund to be provided.

§ 4. The money to be raised by virtue of sections one and two of this act shall be applied and expended for the purposes authorized by this act, and for no other purpose whatever.

Money not to be applied to other purposes.

§ 5. This act shall take effect immediately.

## Chap. 594.

AN ACT to authorize the Utica, Ithaca and Elmira Railroad Company to extend their road, and to confirm their purchase of a portion of the road-bed of the Lake Ontario, Auburn and New York Railroad, and for other purposes.

Passed May 8, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

The purchase of L. O. A. & N. Y. R. R. Co. road-bed and property by the U. I. & E. R. R. Co., from Cascadilla creek to C. & S. R. R., confirmed.

SECTION 1. The purchase by the Utica, Ithaca and Elmira Railroad Company, and the transfer to them of all the road-bed, rights of way, and all the rights, property and franchise acquired by the Lake Ontario, Auburn and New York Railroad Company from Cascadilla creek, in the town of Ithaca in the county of Tompkins, where the line of the Utica, Ithaca and Elmira Railroad and the line of the Lake Ontario, Auburn and New York Railroad intersects each other, and thence, extending southerly to the Cayuga and Susquehanna Railroad and beyond, are hereby confirmed to said Utica, Ithaca and Elmira Railroad Company, and said Utica, Ithaca and Elmira Railroad Company are hereby made the successors and assigns of said Lake Ontario, Auburn and New York Railroad Company of all rights acquired by said Lake Ontario, Auburn and New York Railroad Company, under and by virtue of their charter, from said point near Ithaca, thence southerly through the counties of Tompkins and Tioga.

When the U. I. & E. R. R. Co. may extend and construct their own road to points named.

§ 2. If said Utica, Ithaca and Elmira Railroad Company shall not be able, as provided in their articles of association, by mutual agreement to secure the right to enter upon and use the tracks of the Cayuga and Susquehanna Railroad between Candor, in the county of Tioga, and said Ithaca, said Utica, Ithaca and Elmira Railroad Company are hereby authorized to extend and construct their own road between said points, so that the same shall form a continuous line of road for the

transaction of their business; and in like manner, if said Utica, Ithaca and Elmira Railroad Company shall not be able by mutual agreement to secure the right to enter upon and use the tracks of the Ithaca and Athens Railroad between Vanettenville, in the county of Chemung, and Spencer, in the county of Tioga, said Utica, Ithaca and Elmira Railroad Company are hereby authorized to extend their own road, and to construct the same between said points, so that the same shall form a continuous line of road for the transaction of their business.

§ 3. The Utica, Ithaca and Elmira Railroad Company are hereby authorized to extend and construct their railroad from Horseheads, in the county of Chemung, to Corning in the county of Steuben, and for this purpose are authorized to build their railroad across the Chemung canal feeder as may be necessary, and to construct and operate, at their own expense, suitable swing or turn-table draw-bridges for the passage of the trains of said railroad over said canal feeder, said bridges to be constructed as to the time and manner of doing the same as the Canal Commissioner in charge of that work shall, in the interest of the State, require, and said bridges when completed shall be always under the general control and management of said Canal Commissioner in charge for the time being, but all the expenses of erecting, maintaining and operating said bridges shall be provided for and paid by the said railroad company; and said railroad company are hereby authorized to enter upon and use for the constructing and maintaining their railroad such lands, property and rights belonging to the State of New York along and upon said canal feeder as may be necessary and convenient, provided, said railroad shall not in any way impair or injure said canal feeder, or obstruct its use; and all the work on said railroad along said canal feeder shall be constructed as to the time and manner of doing the same as the Canal Commissioner in charge shall, in the interest of the State, require and direct. In building said bridge over said canal feeder, no pier or obstruction shall be placed in the prism of said canal.

Company may extend road from Horseheads to Corning and across Chemung canal feeder.

May use certain property of the State upon and along said canal feeder.

Company may extend and construct road from near Cornell University to a point near junction of Mill and Lynn streets, etc.

Rails to be used.

Rate of fare.

§ 4. The Utica, Ithaca and Elmira Railroad Company are hereby authorized to extend and construct their railroad from its present terminus near Cornell University, in the town of Ithaca, to a point near the junction of Mill street and Lynn street, in the village of Ithaca, and thence to a junction with the Ithaca and Athens Railroad, and to a junction with the Geneva and Ithaca Railroad in the westerly part of said village, over and upon such streets as the trustees of said village shall authorize and determine, and upon this extension said company are authorized to use rail not less than fifty-six pounds weight to the linear yard, provided a third rail shall be used upon any portion of said extension where the grade is more than one hundred feet to the mile to aid the locomotives to ascend the same by means of cogs or friction wheels, provided that as to all extensions of road by this act authorized, the said company shall be subject to the provisions of chapter one hundred and forty of the Laws of eighteen hundred and fifty, and the acts amendatory thereof.

§ 5. The Utica, Ithaca and Elmira Railroad are hereby authorized to charge a fare not exceeding four cents per mile on said road, and to charge a fare of twenty-five cents for each passenger between the terminus near Cornell University and any point on their extension in the village of Ithaca, provided they shall furnish commutation tickets in amounts of not less than ten dollars, not transferable, at the rate of two cents per mile, and also shall furnish local commutation tickets from the terminus near Cornell University over any part of the extension in the village of Ithaca in amounts of not less than five dollars, not transferable, at ten cents each.

§ 6. This act shall take effect immediately.



## Chap. 595.

**AN ACT** to amend as to the county of Kings an act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April twenty-sixth, eighteen hundred and seventy-one, and repealing section forty-six of said act.

Passed May 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section thirty-one of the act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April twenty-sixth, eighteen hundred and seventy-one, is hereby amended to read as follows:

§ 31. It shall be lawful for the boards of supervisors of the several counties of the State, except as by this section hereinafter further provided as to the county of Kings, by the affirmative vote of a majority of the members elected, at a regular meeting of such boards respectively, to authorize the election in each or any of the towns of their respective counties, of an officer to be designated the game constable, who shall be chosen at town meetings as other town officers are chosen, and hold office for the term of one year; and shall take the oath of office the same, and be vested with, and have the same power in serving process under this act, that town constables now possess in serving civil process; but such a game constable for the entire county of Kings, may be appointed by the board of supervisors at any regular meeting, and he shall hold office to the last day of December next after his appointment, and until his successor shall be appointed and qualified; and all suits prosecuted by such game constable for the county of Kings, for penalties under the provisions of this act, may be prosecuted in the county court of Kings county, or in the city court of Brooklyn,

Boards of supervisors, except in Kings county, may provide for election of game constables by towns.

Board of supervisors of Kings county may appoint game constable for Kings county.

Suits, where prosecuted.

Warrants  
of arrest,  
when to  
issue.

No under-  
taking  
required.

Duty of  
game con-  
stable.

Compensation.

Penalty  
for neg-  
lect or  
refusal to  
prosecute.

Costs.

and in case a recovery shall be had in such suits for less than fifty dollars, the plaintiff shall be entitled to costs to the amount of such recovery. Warrants of arrest may be issued by such courts in such actions, prosecuted by the game constable of Kings county, as in cases provided for by section one hundred and seventy-nine of the Code of Procedure, except that no undertaking shall be required on behalf of the plaintiff, and the judgments may be enforced by execution against the person, and the sheriff of the said county shall not be entitled to any deposit or pay from the plaintiff under the provisions of chapter eight hundred and thirteen of the Laws eighteen hundred and sixty-nine. It shall be the duty of the game constable, after reliable information, to prosecute all violations of this act; and he shall receive compensation for his services as is allowed by law for like services to constables of towns, and also one-half of the penalties recovered by him for violation of this act. In case of neglect or refusal of any game constable to prosecute any such violation, he shall forfeit the penalty of twenty-five dollars, to be sued for and recovered as specified in this act. Whenever any game constable shall fail to recover the penalty in any prosecution commenced by him pursuant to this section, the costs of suit incurred by him shall be a charge against the county, and it shall be the duty of the board of supervisors of the county to audit and allow the same, as other county charges are audited and allowed.

§ 2. Section forty-six of the act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," passed April twenty-sixth, eighteen hundred and seventy-one, is hereby repealed.

§ 3. This act shall take effect immediately.

## Chap. 596.

**AN ACT** to amend an act entitled "An act to incorporate the New Paltz Savings Bank," passed March twenty-two, eighteen hundred and seventy-one.

Passed May 8, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subdivision four of section eight of the act entitled "An act to incorporate the New Paltz Savings Bank," passed March twenty-two, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

4. In bonds and mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon, but not to exceed fifty per cent. of the assets of the corporation, shall consist of such bonds and mortgages.

§ 2. This act shall take effect immediately.

Loans may be made on real estate, but not to exceed 50 per cent. of assets of corporation.

## Chap. 597.

**AN ACT** to extend the time for the completion of the Rondout and Port Jervis Railroad Company.

Passed May 8, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for the completion of the road of the Rondout and Port Jervis Railroad Company is hereby extended and continued for the term of three years, and no prejudice to the corporate existence of the company, under its present articles of association during said term, shall arise from the non-completion of the road contemplated in said articles within the time required by law.

§ 2. This act shall take effect immediately.

Time for completion of railroad extended for term of three years.

## Chap. 598.

An ACT for the better preservation of horse records.

Passed May 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Owners  
and keep-  
ers of stal-  
lions for  
breeding  
purposes  
to file cer-  
tificate.

Certifi-  
cate, what  
to contain.

Penalty.

Duty of  
district  
attorney  
to prose-  
cute.

Penalty  
recovered,  
to whom  
paid.

SECTION 1. Any person or persons owning or keeping a stallion for breeding purposes shall be required, before advertising the services of said stallion, to file a certificate, under oath, with the county clerk of the county where said stallion is owned or kept, stating name, color, age, size, together with the pedigree of said stallion as full as attainable, and the name of the person by whom said stallion was bred. Any person who shall neglect to make and file a certificate required by the provisions of this act, or who shall willfully make and file a false certificate of the statements aforesaid, shall forfeit the sum of one hundred dollars to be recovered in any court of competent jurisdiction. It shall be the duty of the district attorney of the county wherein said stallion is owned or kept to commence an action for the recovery of the forfeiture hereby allowed upon his receiving satisfactory evidence that such advertisement has been made and that the certificate has not been filed as herein required, or that a false certificate has been so filed, said action to be brought in the name of the people of this State; in all actions wherein the penalty prescribed by this act shall be recovered and collected, one-half thereof shall be paid to the person furnishing the proof upon which such recovery was procured, and one-half shall be paid to the treasurer of the county for the support of the poor.

§ 2. This act shall take effect immediately.

## Chap. 599.

AN ACT to amend chapter three hundred and forty-six of the Laws of eighteen hundred and fifty-nine, entitled "An act concerning the salt springs and the manufacture of salt," passed April fiteenth, eighteen hundred and fifty-nine.

Passed May 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section thirty-three of chapter three hundred and forty-six of the Laws of eighteen hundred and fifty-nine, entitled "An act concerning the salt springs and the manufacture of salt," passed April fifteenth, eighteen hundred and fifty-nine, is hereby amended by adding thereto at the end thereof, the following: "Any property taken by virtue of this section shall be paid for by agreement or appraisement, in the manner provided for in the thirty-first section of this act."

Property  
taken,  
how paid  
for?

§ 2. This act shall only apply to water taken from the nine mile creek during the period of suspended navigation of the Erie canal, for the purpose of working the State pumps on the salt springs reservation.

To what  
water act  
to apply.

§ 3. This act shall take effect immediately.

## Chap. 600.

AN ACT relating to lands devised by David Stanley, deceased.

Passed May 8, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On petition of Martin Briggs, of the city of Rochester, the executor of and trustee under the last will and testament of Elizabeth Jane Stanley, deceased, he Supreme Court of the State of New York may, at

On peti-  
tion of  
Martin  
Briggs,  
Supreme  
Court

may  
authorize  
sale of  
lands.

Descrip-  
tion of  
lands.

Proviso as  
to whom  
shall join  
in con-  
veyance.

Effect of  
sale.

Court to  
ascertain  
whether  
sale will  
be bene-  
ficial to  
persons  
subse-  
quently  
born.

Effect of  
convey-  
ance.

Court to  
require  
bond to be  
executed.

Condi-  
tions of  
bond.

any special term thereof held in the county of Monroe, authorize the sale in fee simple absolute of the real estate, consisting of twenty-three and fifty-six one-hundredths acres of land, more or less, in lot sixty-one of the second division of lots in the town of Brighton, whereof David Stanley died seized; provided, however, David Stanley, Clarence Stanley, Anna Rebecca Maun, Jane Elizabeth Adams, the children of Sophia Denike, the children of Catharine Strang, and the only daughter of Rhoda Denike, the said James Wilkin Stanley, and the wife of the said James Wilkin Stanley, being the devisees and parties interested in said land under the will of David Stanley, deceased, shall join in the sale and conveyance of said land, and such sale and conveyance shall be valid and effectual to convey, cut off and bar any right, title or interest in said land under, by or through such will of any person or persons that may be born hereafter.

§ 2. The said Supreme Court shall, in respect to such sale, and before authorizing the same, ascertain, by reference or otherwise, whether it will be for the interest of any person who may be subsequently born that such sale and conveyance should be made, and also the terms on which the same can be made; and, if satisfied that such sale will be judicious, and will be for the interest of all who, under the provisions of the said will of said David Stanley, deceased, may hereafter become interested in said lands, it shall direct the said Martin Briggs to execute a conveyance of said lands for and on behalf of any issue of the said James Wilkin Stanley that may hereafter be born, and which said conveyance shall be complete and effectual to cut off, bar and convey all and any right, title and interest in and to said lands which said issue would otherwise take under the said will of the said David Stanley, deceased.

§ 3. Before authorizing said Martin Briggs to execute such conveyance, the said court shall require from him a bond, with at least two sufficient sureties, to be approved by the court, under such penalty and with such conditions as shall be prescribed by said court, amply and fully to keep, protect and preserve the fund arising from such sale, and secure its use, application and pay-

ment to the persons who may be entitled thereto; and the proceeds of such sale shall be, in the hands of said Briggs, subject to the same provisions contained in the will of the said David Stanley, deceased, as the said land now is, and be in all respects subject to the same trusts, conditions and rules of law as said land would have been if the same had remained unsold, except that the Supreme Court may order such reasonable sum to be paid therefrom as it shall deem proper for the expense of procuring authority for and proceedings to make such sale and conveyance. Costs.

§ 4. This act shall take effect immediately.

## Chap. 601.

**AN ACT to authorize the Buffalo, New York and Philadelphia Railway Company to guarantee the bonds of other railroad companies.**

Passed May 8, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The Buffalo, New York and Philadelphia Railway Company is hereby authorized, by the vote of two-thirds of its directors, to guarantee the payment of the bonds of any other railroad company or companies whose line or lines of road shall intersect the line of the road of the said Buffalo, New York and Philadelphia Railway Company, and to accept and receive from the company or companies whose bonds shall be so guaranteed such security and indemnity therefor as may be agreed upon with such company or companies; but no such guaranty shall be made of the bonds of any company the length of whose line or lines of road shall exceed in all one hundred and seventy-five miles, nor shall the bonds so to be guaranteed exceed twenty-five thousand dollars a mile of the railroad of such company or companies.

The B.  
N. Y. & P.  
R. R. Co.  
author-  
ized to  
guarantee  
payment  
of other  
railroad  
companies  
whose  
lines shall  
intersect  
its road.

§ 2. No such guaranty shall be made except upon an affirmative vote of the stockholders holding a majority of the stock represented at a meeting of the said Buffalo,

When  
guaranty  
may be  
made.

New York and Philadelphia Railway Company, which shall be called by the directors upon a notice of at least ten days, by publishing the same daily in at least three of the daily newspapers printed in the city of Buffalo, which notice shall specify that such meeting was called for the purpose of considering the propriety of making such guaranty.

§ 3. This act shall take effect immediately.

## Chap. 602.

AN ACT to authorize the removal of the remains of all persons interred in Monroe street cemetery, in the city of Rochester, to Mount Hope or other cemeteries in the city, and the taking of the lands included within the bounds of said Monroe street cemetery by the city of Rochester for public school and park purposes; also the issue of bonds by said city to defray the expense thereof.

Passed May 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

City may appropriate Monroe street cemetery for certain purposes.

SECTION 1. The city of Rochester is hereby authorized and empowered to take possession of the grounds known and distinguished as Monroe street cemetery in said city, and appropriate the same to the purposes of a public school lot or public park, upon complying with the terms and provisions hereinafter set forth.

When mayor to give notice of application to county court for appointment of commissioners to appraise damages.

§ 2. Whenever the common council of said city shall by resolution declare it expedient and for the public good, to take the above mentioned lands, for the purposes herein set forth, the mayor of said city shall give notice by ten days' publication in the official papers of said city, of the time when and place where he will, upon such resolution of the common council and his petition, make application to the county court of Monroe county, for the appointment of three commissioners to appraise the damages for taking said lands; also to determine what damages, if any, will accrue to owners



of lots arising from the cost of the removal of the remains of persons interred therein; also to superintend such removal.

§ 3. Upon the presentation of such petition and resolution, with due proof of publication of notice as hereinbefore provided, the court before which such application shall be made shall hear and determine as to the expediency and propriety of granting such application. If he shall deem the taking of said lands by said city to be for the public good, he shall appoint three reputable freeholders, residents of said city, and not interested in the lands to be taken, who shall inquire into and determine what damage, if any, the several owners of lots in said cemetery will be entitled to by reason of taking said lands, and also the damages for or probable cost of removing the remains of persons exhumed, and the monuments, slabs, stones or other marks designating their place of burial; but the damages for taking lands shall in every case be considered and reported apart from that of removal of remains, and monuments. Said commissioners shall also award to persons entitled to the same such damages for taking and removal, separately.

Court to hear and determine as to propriety of granting application, etc.

Damages, how to be reported.

§ 4. Before proceeding to execute the duties of their office, the said commissioners shall take and subscribe an oath that they will honestly and faithfully discharge the duties of their office according to the best of their ability, which oath shall be filed in the office of the Monroe county clerk. Upon filing such oath of office the said commissioners shall proceed in all respects as required by law in case of commissioners for widening or opening streets in the city of Rochester.

Commissioners to take oath.

Commissioners, how to proceed.

§ 5. If, upon the presentation of the report of said commissioners, the county court shall confirm the same, then the said commissioners shall proceed to direct or cause the removal of the remains of all persons buried in said cemetery, and all monuments, slabs, stones, or other marks of burial places, and as the same are removed shall pay to the several owners of lots therein the amount of damages theretofore awarded to such persons.

On confirmation of report, commissioners to proceed to direct removal of remains of persons buried, etc.

Proceed-  
ings in  
case of  
refusal  
of owners  
of lots to  
remove  
remains.

Commis-  
sioners to  
give  
notice.

Proceed-  
ings in  
case of  
unknown  
owners.

Remains  
removed,  
where to  
be inter-  
red.

§ 6. In case the owners of any lots in said cemetery shall neglect or refuse to remove the remains of persons buried thereon, or in case such owners shall authorize the commissioners to superintend or direct such removal, then said commissioners shall not pay over to such owners the amount by them awarded as damages for, or probable cost of, removal, but shall retain the same to defray their expenses in removing such remains. Said commissioners shall not, however, proceed to remove any such remains, or monuments, until they shall have given five days' notice, by publication in all the official papers of said city, of their intention so to proceed.

§ 7. In case the owners of any lots in said cemetery cannot, after due diligence, be ascertained or found, the said commissioners shall proceed to remove all remains, as in the last section provided, and any balance, after deducting the actual cost of removal from the amount of damages awarded for taking such lot and removing said remains, shall be paid to the city treasurer of said city, who shall deposit the same to the credit of such fund as is or may be created for the purpose of caring for and preserving the grounds on which such remains may be re-interred. Such fund shall be deposited in some reliable savings bank in said city, and only the interest thereon accruing, or so much thereof as may be deemed necessary and expedient, shall be annually expended in protecting and caring for said grounds. The provisions of this section are hereby made applicable to section six so far as the same relates to any damages awarded by said commissioners as probable cost of removal.

§ 8. All remains removed by said commissioners, as hereinbefore provided, shall be re-interred on such grounds or lots or parts of lots in Mount Hope cemetery as the commissioners thereof may direct, and shall be separately re-interred, and all monuments, slabs, stones or other marks of their burial place shall be well reset in their proper place so as to preserve the identity of each, and in case there is no present mark distinguishing the person buried, said commissioners shall, at the place of re-interment, put a wooden slab on which shall

be marked the number of the lot in Monroe street cemetery from which the body or bodies were exhumed.

§ 9. Upon the completion of the work of such removal, said commissioners shall report the same to the common council of said city, with a statement of the actual costs thereof, setting forth the amount of damages paid to each, and the amount of balances paid over to the city treasurer, which report shall be filed with the city clerk, whereupon said commissioners shall be discharged, and the commissioners of Mount Hope cemetery shall have the future care and supervision of the grounds where such re-interments have been made.

Commissioners on completion of work to report.

§ 10. For the purposes of paying such damages as may be awarded, and such expenses as may be incurred under the provisions of this act, the city of Rochester is hereby authorized and empowered to issue its bonds to an amount not to exceed five thousand dollars, in such denomination and payable at such time as the common council may direct, bearing interest at the rate of seven per cent. per annum, which bonds shall not be offered or sold by the city treasurer at less than par value thereof; nor shall they be disposed of except in such amounts as from time to time, during the progress of the work, the said commissioners shall certify to be actually necessary to defray the expense thereof.

City to issue bonds to defray expenses.

§ 11. If, upon the presentation of the final report of said commissioners, it shall be found that the amount of the bonds issued exceeds the amount actually paid out and expended, the city treasurer shall thereupon cancel all bonds in excess of the amount so expended and charge the same to the bond account.

Bonds issued in excess of amount required to be canceled.

§ 12. This act shall take effect immediately.

## Chap. 603.

AN ACT to legalize the official acts and proceeding of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany.

Passed May 8, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Official  
acts  
legalized.

SECTION 1. The official acts and proceedings of John R. Williams, a justice of the peace in the town of Knox, in the county of Albany, are hereby declared to be as legal and valid as if he had been elected and had taken the constitutional oath of office, instead of having held his office by virtue of an appointment.

§ 2. Nothing herein contained shall affect any action or proceeding now pending.

§ 3. This act shall take effect immediately.

## Chap. 604.

AN ACT to authorize the Roundout and Oswego Railroad Company to extend its road and change its corporate name.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

The Rondout and Oswego R. R. Co. authorized to extend its road.

SECTION 1. The Rondout and Oswego Railroad Company is hereby authorized to extend its road to and into the city of Syracuse, and to change its name to the New York, Kingston and Syracuse Railroad Company. Provided, that nothing herein contained shall affect any action, suit or proceeding now pending in regard to said Rondout and Oswego Railroad.

May consolidate with any connecting road.

§ 2. The said company is hereby authorized to consolidate with any connecting railroad, or branch road between Rondout and Syracuse, or may lease and operate the same, or may purchase said road or roads or branches, and may issue its capital stock in payment

therefor; provided that consent in writing of the stockholders, holding or owning a majority of the stock of said company, first be had and obtained.

§ 3. The capital stock of said consolidated or extended company shall consist of sixty thousand (60,000) shares of one hundred dollars each, which may be increased for the purpose of completing its line of railroad, by the vote of a majority of its board of directors.

Capital stock of consolidated company.

§ 4. This act shall take effect immediately.

## Chap. 605.

AN ACT to amend an act entitled "An act to revise the charter of the city of Auburn," passed April twenty-second, eighteen hundred and sixty-nine.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eighteen of the act entitled "An act to revise the charter of the city of Auburn," passed April twenty-second, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 18. All officers elected or appointed under this act, except the city clerk, treasurer and tax-receiver, overseer of the poor, justice of the peace, police justice, aldermen, school commissioners, and assessors, shall hold their office for one year, and until their successors shall duly qualify.

Term of office.

§ 2. Section fifty of said act is hereby amended so as to read as follows:

§ 50. The city clerk shall hold his office for two years, from and after his election and shall keep his office in the city hall, which shall be kept open at such times and at such hours each day (Sundays, election days, and the usual holidays excepted) as the common council shall by resolution fix and determine, at which times and hours so fixed and determined, the records and papers there on file can be examined by those interested. He shall attend the regular and special meetings of the

City clerk, term of office, duties of, etc.

common council, and keep a record of its proceedings, and shall have the custody of the corporate seal and shall keep all papers that by any provision of law, or by direction of the common council, are required to be filed in his office, or kept by him; and copies printed or written, or partly written and partly printed, of all papers filed in his office, and transcripts from the records of the proceedings of the common council, and copies of the ordinances, by-laws or regulations of the city, certified by him under the corporate seal, shall be evidence in all places, and in all courts, in like manner as if the originals were produced and proved. He shall see that all ordinances, resolutions, notices, orders, and other matters requiring publication, are promptly and correctly published in the official paper of the city, or such other paper or papers as the common council may direct, and shall preserve and have bound, from time to time, regular files of the newspapers containing the advertisements of the city. He shall carefully index, file and arrange all books and papers in his office, for convenient use. He shall countersign all licenses granted by the common council, and shall enter in an appropriate book, the name of every person to whom a license shall be granted, the date thereof, the time during which it is to be continued in force, and the sum paid for such license. He shall within twenty-four hours after the time limited in this title, in which the mayor may file his veto, make and deliver to the treasurer and tax receiver a certified copy of all resolutions and proceedings of the common council, relating to the finances of the city. He shall serve, or cause to be served, all notices required by the common council under this act. He shall perform all the duties of clerks of towns, not inconsistent with this act. He shall perform such other duties as are specified in this act, in addition to those enumerated, and also such other acts in his said capacity as may reasonably be required of him by the common council. He shall have the same power within said city as justices of the peace in towns and counties of this State to administer oaths, take proofs of acknowledgments of deeds and other papers, and take affidavits and to receive the same fees therefor.

Evidence.

To publish ordinances, etc.

To index, file and arrange papers.

To perform duties of clerks of towns.

To take acknowledgments, etc.

For all his services as city clerk he shall receive an annual compensation or salary, not less than four hundred dollars nor more than seven hundred dollars, to be fixed by the common council, and his office in the city hall shall be furnished suitably, and fuel and light supplied by the city. For his services as town clerk he shall receive such compensation as the board of town auditors shall allow, to be paid in the same manner as town clerks in the towns of Cayuga county. In case of the sickness, absence or disability of said city clerk to act, the common council are authorized and empowered to appoint a city clerk, pro tempore.

Salary.  
Clerk pro tempore.

§ 3. Section fifty-one of said act is hereby amended so as to read as follows:

§ 51. The police justice of said city shall keep his office in the city hall. The common council of said city shall suitably furnish said office and shall provide fuel, lights and stationery for the same. It shall be his duty to issue process or warrant, on the application of the mayor, any alderman, any citizen or resident of said city, or any other person, whether a resident of said city or not, for the arrest of any person charged with having committed any felony or misdemeanor within the county, or of having violated any of the provisions of this act, or the ordinances, by-laws or regulations passed by the common council, and the police justice shall examine, on oath, the person applying for such process or warrant, or any witness or witnesses he may present, before issuing such process or warrant, and if he has reason to believe, from such examination, that the offense charged has been committed within the county, or that any of the provisions of this act or the ordinances, by-laws or regulations passed by the common council have been violated within the city by the person charged, he shall issue his process or warrant in due form of law. He shall possess all the powers and jurisdiction, and be subject to all the liabilities of justices of the peace, and shall have exclusive jurisdiction in all police and criminal matters within said city. He shall report to the common council, at the first regular meeting thereof in each quarter, during the term for which he shall be elected, the number and names of

Police justice.

To issue process, etc.

Powers and jurisdiction.

To report to common council.

Fines,  
penalties,  
etc., to  
belong to  
city.

Justices  
of the  
peace to  
be design-  
ated to  
act in  
case of  
illness,  
etc., of  
police  
justice.

persons fined by him, and the names of persons against whom judgment shall have been rendered by him for any penalty or penalties, with the date and amount of such fines and penalties respectively, and all moneys collected or received by him as such police justice, for fines or penalties, or otherwise, and all fines and penalties imposed by the said police justice, and all moneys that shall be paid to or received by him, as said police justice, shall belong to the city of Auburn, and shall be paid by said police justice to the treasurer and tax receiver of said city, quarterly, and the money so received by him shall be paid over to such treasurer and tax receiver within the quarter in which it was received, and the treasurer and tax receiver shall give such police justice a receipt therefor, which receipt shall be attached to and accompany the quarterly report of said police justice, and be considered a part thereof. In case of sickness, absence or inability of the police justice to act, the mayor, or, in his absence, the presiding officer acting as mayor, or in the absence of such presiding officer, any three of the aldermen may designate and direct in writing, any justice of the peace of the city, to perform the duties of said police justice for the time being, and it shall be the duty of said justice of the peace, so designated and directed, to perform such duties of police justice, and such justice shall possess all the power, authority and jurisdiction, and be subject to the same liabilities as the police justice while so acting. And in case any process or warrant issued by said police justice shall be returned during his absence from the said city, or during his sickness or inability to act, any further proceedings on such process or warrant may be had before any justice of the peace of said city when designated and directed, in writing as aforesaid, and a justice of the peace of said city having once obtained jurisdiction in the manner herein specified in this section, may retain it and proceed to the determination of it, and shall be entitled to receive for his services the same fees that justices of the peace are by law entitled to receive, to be audited, allowed and paid in the manner provided by law when such fees are a charge against the county of Cayuga,



and in all other cases, to be paid by the city of Auburn, or the party against whom judgment shall be rendered, as the case may be. The compensation or salary of the police justice shall be one thousand dollars per year, to be paid quarterly, for all his services under the laws of the State, and the ordinances, by-laws and regulations of the city, except for such services under the laws of this State as are chargeable against the county of Cayuga, for which services he is to be paid legal fees in the manner provided by law.

Salary.

§ 4. Section sixty-one of said act is hereby amended so as to read as follows:

§ 61. The overseer of the poor shall hold his office for two years, and shall keep his office in the city hall. The common council of said city shall suitably furnish said office, and shall provide fuel, lights and stationery for the same, and he shall, subject to the provisions of this act, have the same powers, perform the same duties, and be subject to the same restrictions and liabilities as overseers of the poor in any town of Cayuga county. He shall, at the first regular meeting of the common council in each month, report to the common council in detail all appropriations, expenditures and allowances made by him as such officer during the month preceding, which report shall specify the name of each person relieved, with the quantity and price of each article furnished, and from whom obtained.

Overseer  
of poor,  
term of  
office of,  
etc.

To report  
to com-  
mon  
council.

§ 5. Section seventy-three of said act is hereby amended so as to read as follows:

§ 73. The treasurer and tax receiver shall hold his office for two years from and after his election under the provisions of this act. He shall receive all moneys belonging to the city, and shall keep an account of all receipts and expenditures, in such manner as the common council shall direct, and it shall be his duty to make a written or printed report to the common council of the condition of the city finances quarterly, to wit: At the first meetings in the months of April, July, October and January, and he shall exhibit in appropriate columns in his report the debts and liabilities of the city, in detail, and when and for what incurred, as well as the

Treasurer  
and tax  
receiver,  
term of  
office of,  
etc.

To report  
to com-  
mon  
council.

Report,  
what to  
contain.

moneys in the treasury, and to what particular fund they belong.

§ 6. Section seventy-four of said act is hereby amended so as to read as follows:

To keep  
his office  
in the  
city hall.

§ 74. The treasurer and tax receiver shall keep his office in the city hall, which office shall be kept open on each day of the year (Sundays, election days and the usual holidays excepted) from nine A. M. until three P. M., or at such hours as the common council may direct.

His duties.

It shall be his duty, personally, to receive all county, city and local taxes or assessments, which may be paid at his office, and to retain there and not elsewhere the possession of all warrants and assessment rolls which may from time to time be delivered to him by the supervisors or by the city clerk of the city. He shall enter daily in suitable books the sums received by him for taxes or local assessments, with the name of the person on whose account the same is paid; and shall, when required, exhibit the same in his office to the mayor or committee on finance for inspection. It shall be the duty of the common council to furnish the office aforesaid to the treasurer and tax receiver, free of expense to him as regards fuel, rent, light, stationery, and such other reasonable supplies as they in their judgment may deem best.

Daily  
entries.

Fuel,  
lights,  
etc., to  
be fur-  
nished by  
common  
council.

§ 7. Section two hundred and five of said act is hereby amended so as to read as follows:

Provisions  
of law ap-  
plicable to  
overseer  
of the  
poor.

§ 205. The overseer of the poor shall, except as herein otherwise provided, be subject to the provisions of the act entitled "An act in relation to the auditing of expenses for the support of the poor and the purchase of supplies in the county of Cayuga," passed April fifteenth, eighteen hundred and fifty-eight.

§ 8. Section fifty-nine of said act is hereby amended so as to read as follows:

Powers  
and  
duties of  
assessors.

§ 59. The assessors elected in the said city of Auburn as herein provided shall perform all the duties and possess all the powers conferred upon assessors in the different towns of this State, and be subject to like obligations, and shall perform all the duties specified in this act, in reference to the assessment of property, within the city for the purpose of levying the taxes

unpaid by the common council, as well as by the supervisors of the county of Cayuga. On completing the assessment (which shall be done on or before the first day of August in each year) they shall meet together, and leave the assessment rolls of the several wards with the city clerk. They shall then give notice by posting three handbills, in three several public places in each of the wards, and publishing a notice in one of the daily newspapers published in said city, that the assessment rolls are completed and left in the city clerk's office, where they may be seen and examined by any person, for the next three weeks, during which time the said notice shall be published at least three times in each week, and that the assessors will attend during the time specified in such notice at the city clerk's office at least two days in each week, to be specified in said notice, to review their assessment in the same manner as assessors of towns. At the expiration of the three weeks they shall cease to correct and review said assessment rolls, and shall, within six days thereafter, make a duplicate of each of said assessment rolls, as corrected and reviewed, and have the assessment rolls and the duplicates completed and subscribed and delivered to the city clerk, to be by him filed, and the duplicates of the rolls of each respective ward shall be delivered by the city clerk to the supervisor of such ward, to be by such supervisor delivered to the board of supervisors of the county of Cayuga. During the time the assessors are correcting and reviewing any tax or assessment, they shall have power to add to, or insert in, said tax or assessment roll, any property liable to taxation, and the assessment thereof which may have been omitted therefrom, when giving written notice to the owner or agent of such property. Such written notice may be served personally on any owner or agent or by leaving the same at the residence or place of business in the city, or by serving such notice on the occupant (when the property is real estate and is occupied) personally or by leaving it at the house on the premises, and when the owner is a non-resident and has no agent in the city, and the property is personal property, or real estate

Assessment, when to be completed.

Notice of meeting to review assessment, how to be given.

To make duplicate rolls.

Powers of assessors during review.

Notice, how served.

When  
common  
council to  
levy tax.

Assess-  
ment for  
local  
improve-  
ments.

unoccupied, the notice may be served by mail addressed to such owner or agent, according to the best information which the assessor can obtain. After the assessment rolls shall have been completed, in each year hereafter, and filed in the office of the city clerk as herein provided, it shall be the duty of the common council to proceed to levy the taxes for all the purposes provided in this act, ratably upon or among the owners of the estate, real and personal, incorporated companies, banks and banking associations as appear on said assessment rolls. It shall be the duty of the assessors of said city to make assessments for local improvements, under the provisions of this act, when thereunto required by the common council, and to make and file an assessment roll for such assessment as provided in this act. Each assessor shall receive for his compensation four dollars per day, for his services under this act, except as otherwise hereinafter provided.

§ 9. This act shall take effect immediately.

## Chap. 606.

AN ACT to provide for the adjustment and payment for services and disbursements made and rendered for the Seneca Nation of Indians, by Frank A. Newell, while attorney for said nation.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sioner to  
adjust  
claims of  
late attor-  
ney of the  
Seneca  
nation of  
Indians.

SECTION 1. Eugene A. Nash, of New Albion, Cattaraugus county, New York, is hereby appointed commissioner to hear, adjust and determine all claims and demands due from the Seneca Nation of Indians to Frank A. Newell, late attorney for said nation when superseded, including his services as such attorney, which are not otherwise provided for by law, in suits then pending and since assigned by him to William Woodbury.

Notice of  
time and  
place of

§ 2. Ten days' notice, in writing, shall be given to the attorney of said nation of the time and place of such

hearing and adjustment, and the said commissioners shall have power to issue subpoenas to compel the attendance of witnesses, or take their evidence by commission, in the same manner as provided by law in justices' court; and the said commissioners shall have the same power to convene, hear, adjust and determine the matters hereby referred to him as conferred on referees in the Supreme Court by sections two hundred and seventy-two and two hundred and seventy-three of the Code of Procedure.

adjust-  
ment of  
claims.

§ 3. The said commissioner shall include in his report, as a distinct item to be allowed to the assignee, his necessary disbursements in proving said demands, including the fees of the commissioner at five dollars per day while engaged in such business, to be taxed by said commissioner.

Disburse-  
ments in  
proving  
demands  
to be em-  
braced in  
report.

§ 4. The said commissioner shall make his report in favor of the party entitled thereto as by this act required, and the same shall be filed and recorded in the office of the county clerk of Cattaraugus county, and the Comptroller of the State of New York, on presentation to him by the person entitled thereto, of a copy of said report, duly certified by the said clerk of Cattaraugus county, shall issue his warrant on the Treasurer of the State for the amount of such report not exceeding in all the sum of four hundred dollars, and interest from the date thereof, and the said Treasurer shall pay on such warrant the amount thereof out of any annuity or interest money payable by this State to the Seneca Nation of Indians.

Report to  
be made  
in favor of  
party  
entitled  
thereto.

Comp-  
troller to  
issue  
warrant  
to party  
entitled  
thereto  
for  
amount of  
report.

§ 5. This act shall take effect immediately. .

## Chap. 607.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts relative to the village of Ballston Spa," passed April twelve, eighteen hundred and fifty-five, as amended by "An act to amend an act entitled An act to amend and consolidate the several acts relative to the village of Ballston Spa," passed May ninth, eighteen hundred and sixty-eight, and for the purpose of securing an additional supply of water for the use of said village.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Trustees  
to issue  
bonds for  
purpose of  
supplying  
village  
with  
water.

SECTION 1. The trustees of the village of Ballston Spa are hereby authorized and directed to issue the bonds of said village, signed by the president and countersigned by the clerk of said village, to an amount not exceeding ten thousand dollars, which shall be on interest, not exceeding seven per cent. per annum, and payable at some time within twelve years from the date thereof; such interest to be payable annually; the avails of said bonds to be used for the purpose of furnishing an additional supply of pure and wholesome water to the inhabitants of said village, and for the purpose of extinguishing fires therein. The said bonds, or so many of them as shall be required for the purpose hereinbefore specified, shall be delivered by the clerk of said village to the commissioners of construction hereinafter named and appointed, after they shall become qualified to act as such, and take their receipt therefor, in a book prepared for that purpose by said clerk, at the expense of said village.

Bonds  
to be de-  
livered to  
commis-  
sioners of  
construc-  
tion.

Commis-  
sioners to  
negotiate  
bonds at  
not less  
than par.

§ 2. It shall be the duty of said commissioners of construction to negotiate and sell the said bonds, or as many of them as shall be required, and convert the same into money as fast as necessary, not less than par; and the money when obtained shall be deposited in one of

the national banks in said village and drawn out only on the order of said commissioners of construction, countersigned by the trustees of said village, or a majority of them, and used solely for the object and purposes hereinbefore specified.

§ 3. Jesse S. L'Amoreaux, Henry A. Mann, Nelson R. Vandenburg, Lindley M. Crane and Charles J. Newton, of Ballston Spa, New York, are hereby appointed commissioners of construction under this act, and shall hold their offices two years and until others are appointed in their places. Any vacancies that shall occur shall be filled by the trustees of said village. It shall be the duty of the said commissioners, or a majority of them, to make examinations and determine on the best mode for obtaining an additional supply of water for the use of said village. They shall, in like manner, be empowered to cause necessary surveys, estimates and levels to be taken for such purpose, and to enter upon and take possession on behalf of said village, of any lands, springs, streams, brooks, ponds, lakes and sources of supply of water for that purpose, first paying the owners all reasonable damages therefor. They shall, as aforesaid, have power to enter into contract or contracts for aqueducts, water-pipes, pumps, machinery, water powers, hydrants, and for the erection of dams, buildings and other materials, and for making reservoirs of water, and for the construction, putting in order and completing the works, and for the employment of all necessary labor to dig trenches and lay pipe, and to superintend the construction of said work. Said commissioners may, as aforesaid, enter upon any lands, streets, lanes, roads or public squares through which they may deem it proper to convey the water from said sources of supply, and lay and construct any pipes, conduits, aqueducts or other works, for the purposes mentioned, leaving the said lands, streets, highways, lanes and public squares in the same condition, as nearly as may be, as they were before said entry, and may do everything necessary and proper to carry out the intent and purposes of this act.

Names of  
commissioners.

Vacancies how  
filled.

Duty of  
commissioners.

To make  
surveys,  
etc.

To con-  
tract for  
water-  
pipes, etc.

May enter  
upon  
lands, etc.

§ 4. Before taking or using any lands for the purposes of this act, the commissioners shall cause a survey

Before  
taking  
lands sur-

vey and  
map  
thereof to  
be made.

and map thereof to be made, by which the land of each owner or occupant intended to be taken or used shall be designated, and such map so made shall be signed by the surveyor or engineer making the same, and shall be filed in the office of the clerk of said village. The commissioners or any person in their employ may enter upon any lands for the purpose of making an examination and of making said survey and map, doing no unnecessary damage.

Proceed-  
ings to  
acquire  
title to  
necessary  
real  
estate.

Notice of  
meeting of  
referees.

How  
served.

Guardians  
for in-  
fants, etc.

§ 5. In case the said commissioners cannot agree with the said owners or occupants of any land, water or water powers to be taken, used or damaged as aforesaid, for the purpose thereof, or on the amount of damages to be paid, the commissioners may apply to the Supreme Court, at any general or special term thereof held in the fourth judicial district, for the appointment of three referees, by whom the compensation to be paid for damages suffered or to be suffered by any person or persons by reason of taking said lands and water and constructing any of said works shall be ascertained and determined. And in case of the death, resignation, refusal or inability to act of the said referees, or either of them, said court may appoint others in their places. The commissioners shall cause a notice of at least twenty days, of the time and place of meeting of said referees, to be served upon such owners of said land, water and water power as can be found in this State, which notice may be served personally, or, in their absence from their dwellings or places of business, by leaving the same thereat with some person of suitable age. And in case of any disability of such owner to act thereupon, serving notice in like manner upon his guardian or person appointed to act for him, as herein-after directed. And in case any of said owners cannot be found in this State, such notice may be served by publishing the same once in each week for six successive weeks, in two newspapers published in said village. And if any owners shall be married women, insane, idiots or infants, the said court shall appoint some suitable person to attend in their behalf before said referees, and take care of their interests in the premises. The referees may issue subpoenas to compel the attend-



ance of witnesses to testify before them, and they or any of them may administer the usual oath to such witnesses. They shall make a written report of all their proceedings, containing the testimony taken by them and showing the sum awarded to each owner or other person, and return the same to said court to be filed of record in the secretary or county clerk's office. The commissioners shall pay to each of the referees the sum of three dollars for each day necessarily spent in discharging the duties for which they were appointed.

Referees  
to report  
in writing.

§ 6. Either party may appeal from the award or determination of the referees to said Supreme Court; provided, the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the adverse party; and the said court shall, upon the report of the referees, proceed to hear the said appeal, and may confirm the report of the referees, or set the same aside and order a new appraisement by the same or other referees, to be appointed by the said court; and the said court may make such orders in reference to the proceedings of the referees, and of notices to be given to parties, as may not be inconsistent with this act, and as the nature of the case and the interests of the parties may require.

Appeals.

§ 7. Upon the payment or legal tender of the sum finally awarded, as aforesaid, the said commissioners shall be entitled to enter upon, take and use all the lands, waters and water powers for the purposes contemplated by this act, for which compensation shall be paid or tendered as aforesaid. And the same may be held and used, for the purposes specified by this act, by said trustees, as herein provided, forever. Payments of the compensation awarded to any person may be made to such person, or by depositing such sum to the credit of said person, or his representative, in one of the national banks at Ballston Spa.

When  
commis-  
sioners  
may enter  
upon,  
take and  
use lands.

§ 8. All the lands, water powers, real estate and rights which said commissioners shall in any way legally enter upon or take by virtue of this act, shall be owned and held by said village forever.

Title to  
vest in  
village.

§ 9. The said trustees, after the said water shall be obtained, and said works shall have been completed

Water  
rents.

Tax upon  
vacant  
and unoc-  
cupied  
lands, etc.

Taxes to  
be a lien  
on lands.

Sinking  
fund.

Commis-  
sioners to  
take oath  
and give  
bonds.

and put into operation. are hereby empowered to establish rents to be paid annually, in advance, for the supply of water to the inhabitants of said village, occupying lots with buildings thereon, in said village, and to be called water rents, which shall be charged upon and apportioned, as near as may be, to the different classes of buildings, with reference to the character, dimensions, use, value, income, occupancy and location thereof, as well as the quantity of the water used, situated on streets along which pipes are laid or accessible thereto. They are also authorized to levy a tax against all unoccupied, vacant and non-resident lots, and lots without buildings thereon in said village, situated along streets through which the main pipes are laid, or are accessible thereto, which tax shall be assessed and levied on said lots, according to the value thereof, as appears by the last assessment roll. All the foregoing taxes shall be a lien and charge upon the real estate supplied with water, or benefited thereby, and be collected and enforced in case of non-payment in the manner provided by law. And the said trustees shall have power, from time to time, to alter, amend, increase, correct, or diminish such rates, provided, however, that such rates shall be sufficiently high to pay the interest on the bonds issued under this and any former, if any, act, and those remaining unpaid; and to pay the necessary annual expenses of said water-works, including the tax now authorized by law for such purpose, if any. The balance shall be vested as a sinking fund to pay the water debts created by said bonds when they become due, or as they can be redeemed or paid.

§ 10. Each of said commissioners of construction, before entering upon the discharge of their duties, shall take the usual oath of office, and shall give a bond to the trustees of said village with two or more sureties, to be approved by said trustees, in double the amount of money that may come to their hands, conditioned for the faithful performance of their duties, and to honestly and justly appropriate the moneys which shall come to their hands under the provisions of this act.

§ 11. The said commissioners of construction may designate one of their number to superintend and manage one or more branch or branches of the said work, under their general supervision, and when so employed such commissioner shall be paid at the rate of three dollars per day, to be audited and allowed by the trustees as other village expenses; and neither the said commissioners or either of them, except when so employed, or said trustees, shall be entitled to any compensation for the services under this act, except the said trustees and commissioners may be reimbursed for such necessary and incidental expenses as they may incur in the discharge of their duties under the provisions of this act.

Commissioners to designate one of their number to superintend work.  
Compensation of superintendent.

§ 12. The connecting or supply pipes leading from the dwellings or other places supplied with water, other than fire hydrants to the distributing pipes, shall be inserted and kept in repair at the expense of the owners or occupants of the buildings or places supplied with water as aforesaid, and shall not be connected with such pipe until permission therefor shall be obtained from the trustees of said village or other person having charge thereof, and all such connecting pipes and fixtures shall be constructed under and according to the direction of said trustees, subject, also, to be cut off, in the discretion of said trustees, for non-payment of tax or violation of the by-laws or regulations governing the water department.

Supply pipes to be inserted and kept in repair by owners or occupants of buildings.

§ 13. In case the entire annual receipts for water rates, after deducting therefrom such sum or sums as may be necessary to defray the ordinary expenses and repairs of such water-works, and of extending the same, shall not be sufficient in any one or more years to pay the interest on said bonds, and also the annual appropriation for the sinking fund as above provided, it shall be and is hereby made the duty of the trustees of said village, and they are hereby authorized and directed, to cause to be levied and collected from and against all taxable property in said village, at the same time and in the same manner as other contingent expenses of said village are assessed, levied and collected, such sum or sums of money as may be necessary to pay any deficiency thereof.

Tax for purpose of supplying deficiencies.

Commissioners to keep books, etc.

To render full account to trustees.

Commissioners not to be interested in contracts, etc.

§ 14. The said commissioners of construction shall keep regular books of their services and all their acts and doings, together with all contracts, agreements and disbursements made or entered into, and which books shall at all reasonable times be open to inspection, and shall finally be deposited with the clerk of said village. They shall render a full account of their transactions to the trustees when called upon, to the end that a full and minute history of the securing said additional supply of water, the construction and completion of said works, together with the cost thereof, and the condition of its finances, shall be written out and duly authenticated and preserved for future reference.

§ 15. It shall be unlawful for said commissioners, or any one or either of them, directly or indirectly, to be interested in any contract, agreement, purchase, sale or employment to be made, negotiated or entered into by or on behalf of the said commissioners, or any one employed by or under them, for or on account of any of the objects or purposes of this act.

§ 16. All laws inconsistent with this act are hereby repealed.

§ 17. This act shall take effect immediately.

## Chap. 608

AN ACT for the preservation of fish in the waters of Steele's creek and McGowan's creek in the county of Herkimer.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

No fish to be caught in Steele's and McGowan's creek in two years.

Proviso.

SECTION 1. No person shall, at any time between the first day of May, eighteen hundred and seventy-two, and the first day of May, eighteen hundred and seventy-four, by hooks, nets, or other devices, catch any trout or other fish in the waters of Steele's creek or McGowan's creek in the county of Herkimer, or in any of the tributaries of said streams, provided that this act shall not prevent the owners of lands on McGowan's creek from fishing upon their own premises.

§ 2. Any person offending against the provisions of this act shall be liable to a penalty of fifty dollars for every violation thereof; said penalty to be recovered before any justice of the peace of said county who shall issue his warrant for the arrest of the offender upon the complaint, duly verified by any informer, and upon the conviction of any person violating the provisions of this act, the justice shall impose a fine of twenty dollars upon the offender for each and every offense, and in default of the payment thereof commit said offender to the jail of said county for a period not to exceed ten days. Penalty.

§ 3. Any fine collected by virtue of this act shall be paid to the overseer of the poor of the town to the credit of the poor fund of the town in which the justice resides. Fines collected to be paid to overseer of poor.

§ 4. This act shall take effect on the first day of May, eighteen hundred and seventy-two.

## Chap. 609.

AN ACT to amend an act entitled "An act to authorize the formation, establishing and maintaining of driving park and park associations," passed April seventeenth, eighteen hundred and seventy-two.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "An act to authorize the formation, establishing and maintaining of driving park and park associations," is hereby amended so as to read as follows:

§ 1. Any six or more persons of full age, citizens of this State, who shall desire to form a driving park, park or agricultural association in this State, may make, sign and acknowledge, before any officer authorized to take the acknowledgment of deeds in this State, and file in the office of the Secretary of State, and also in the clerk's office of the county in which the business of such Associations, how formed.  
Certificates to be filed.

What to  
contain.

association is to be conducted, a certificate in writing, wherein shall be stated the name and title whereby such association shall be known in law, the amount of its capital stock, the number of shares into which such capital stock is divided, the location, particular business and objects of such association, the number of trustees, directors or managers to manage the same, and the names of such trustees, directors or managers for the first year of its existence. Such articles of association shall not be filed as aforesaid until one-twentieth part of the amount of stock, fixed as aforesaid, shall have been actually paid in to the directors in cash, and until there shall be indorsed thereon or annexed thereto an affidavit made by at least three of the directors named in such articles of association, that the amount of stock required in the first section of this act to be subscribed has been subscribed and that one-twentieth part of the amount has been actually paid in as aforesaid.

When  
articles  
may be  
filed.

§ 2. Section four of said act is hereby amended so as to read as follows:

Officers.

§ 4. The officers of any such association shall consist of a president, and at least one vice-president, a secretary, a treasurer, and any number of directors which is divisible by three, but not more than fifteen in all. The president and vice-president, secretary and treasurer shall be elected annually; and the first year the whole number of directors shall be elected, they shall be divided by lot into three classes: the first class to serve one year, the second class two years and the third class three years; and at the expiration of each term a sufficient number of directors shall be elected to fill each class, and to serve three years; and all vacancies that may occur shall be filled only for the term made vacant. The election of all officers shall be by ballot of the stockholders or members, who shall have been such not less than thirty days prior to such election, and no person who is not a stockholder shall be eligible to any office. The board of managers shall consist of the president, the first vice-president, secretary, treasurer and directors, a majority of whom shall constitute a quorum for the transaction of business; and it shall be the duty of said officers to so manage the property and

Directors  
to be clas-  
sified.

Election  
to be by  
ballot.

Board of  
mana-  
gers, of  
whom to  
consist.

concerns of the said society as will best promote the objects of such association as set forth in the certificate of incorporation, and they may hold one or more fairs and exhibitions annually, and distribute premiums to the best and most meritorious exhibitors in their several departments, and may charge for admission to its grounds, also for the use of them or any part thereof.

Exhibi-  
tions.

§ 3. The title of said act is hereby amended so as to read as follows: To authorize the formation, establishing and maintaining of driving park, park, and agricultural associations.

Title.

§ 2. This act shall take effect immediately.

## Chap. 610.

AN ACT to amend the charter of the New York Bond Deposit Company of the city of New York.

Passed May 9, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The second section of an act entitled "An act to incorporate the Bond Deposit Company of the city of New York," passed April twentieth, eighteen hundred and sixty-six, as amended by chapter nine hundred and thirty-one of the Laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 2. The corporation hereby created shall have power to receive upon deposit, for safe keeping, bonds, jewelry, plate, stocks, merchandise, bullion, specie, promissory notes, certificates and evidences of debt, contracts or other property, and to take the management, custody and charge of real and personal estate and property.

Corporate  
powers.

§ 2. The tenth section of said act is hereby amended so as to read as follows:

§ 10. It shall be lawful for said company to increase the amount of its capital stock in the manner provided in and by sections twenty, twenty-one and twenty-two of the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical

Increase  
of capital  
stock.

or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight.

§ 3. This act shall take effect immediately.

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## Chap. 611.

### AN ACT in relation to the capital stock of corporations.

Passed May 9, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Capital  
stock,  
how in-  
creased.

SECTION 1. An incorporation, incorporated company, society or association formed under the laws of this State, excepting banks, banking associations, trust companies, life, health, accident, marine and fire insurance companies, railroad and navigation and gas companies, may increase its capital stock, as provided by section twentieth of "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight; provided that this act shall not apply to corporations created by special act of incorporation, the capital stock of which originally exceeded two hundred thousand dollars, and that such increase shall not exceed in the aggregate the amount of capital stock specified in the said act of incorporation, and any such corporation the capital of which shall be increased under the provisions of this act, and the stockholders thereof shall be subject to all the liabilities as regards such additional capital as is provided in the original act or charter in relation to its capital.

Amount  
limited.

§ 2. This act shall take effect immediately.



## Chap. 612.

**AN ACT** to amend an act entitled "An act to incorporate the Utica and Mohawk Street Railroad Company," passed May seventeenth, eighteen hundred and sixty-nine.

Passed May 9, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The Utica and Mohawk Street Railroad Company are hereby authorized to extend their route and lay their track with all the necessary sidings and switches, curves and turnouts, and to operate their horse railroad thereon from the present easterly termination of their railroad at the intersection of Bleecker street and Culver avenue, southerly in and along said avenue to South street; thence in and along South street to Steuben street, thence along Steuben street and the westerly side of Steuben Park, to Charlotte street and thence along Charlotte street to intersect its present track in Bleecker street and also in and along Mohawk street from South street to Bleecker street.

The U. & M. Street R. R. Co. authorized to extend route. Route as extended.

§ 2. But the said company shall not lay any tracks on said streets or avenues until they shall have filed, in the clerk's office of the city of Utica, the written consent of the majority in number and value of the persons owning or representing the lands fronting on said proposed extended route, such valuation to be determined and fixed by reference to the last assessment rolls of the city of Utica, nor shall said company lay any such tracks on said streets and avenues until it procures the consent of the common council of said city of Utica thereto.

Consent of majority of persons owning property on route to be obtained.

§ 3. The last clause of section two of chapter one hundred and forty of the Laws of eighteen hundred and fifty-four, shall not apply to this railroad.

§ 4. This act shall take effect immediately.

## Chap. 613.

AN ACT re-appropriating a certain portion of the income of the United States deposit fund for the benefit of academies.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Regents of the university may expend balance of appropriation in purchase of books, etc.

SECTION 1. The Regents of the University are hereby authorized to apply one thousand and five hundred dollars, of the unexpended balance of the appropriation made by chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy-one, for the instruction of teachers of common schools, to the purchase of books and apparatus, pursuant to chapter five hundred and thirty-six of the Laws of eighteen hundred and fifty-one.

§ 2. This act shall take effect immediately.

## Chap. 614.

AN ACT to extend the time for the collection of assessments for the improvement of Atlantic avenue in the town of New Lots, Kings county.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Time for collection of assessments extended.

SECTION 1. The time for the collection of the assessments provided for in section four of chapter two hundred and seventeen of the Laws of eighteen hundred and sixty-nine, and chapter six hundred and nineteen of the Laws of eighteen hundred and seventy, for the improvement of Atlantic avenue in the town of New Lots, is hereby extended to the third Tuesday of March, eighteen hundred and seventy-three.

Warrant of collector of taxes extended.

§ 2. The board of supervisors of the county of Kings shall renew the warrant of the collector of taxes in and for the town of New Lots, for the collection of the said

assessments, and direct that the same expire on the third Tuesday of March, eighteen hundred and seventy-three.

§ 3. Any owner of lands assessed for said improvement, wishing to free any piece or parcel so assessed, may pay the same to the county treasurer of Kings county, or the collector of taxes for the town of New Lots, and thereupon such piece or parcel shall be discharged therefrom.

Owners may pay assessment to county treasurer.

§ 4. The supervisor of the town of New Lots shall retain in his hands of the proceeds of the bonds sold and to be sold by him as provided in said acts, and pay therewith all necessary expenses incurred by him under said act.

Supervisor to retain proceeds of bonds.

§ 5. This act shall take effect immediately.

## Chap. 615.

AN ACT to establish St. Paul's American Protestant Episcopal Church, Rome, Italy, by a board of trustees in New York city.

Passed May 9, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Hamilton Fish, John D. Wolfe, Frederick G. Foster, Henry Chauncy, John Welsh, George Kemp, Robert J. Nevin and their successors, are hereby created a body corporate under the name and title of the Board of Trustees of St. Paul's American Protestant Episcopal Church, Rome, Italy, and the said trustees above named, and their successors shall have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church or congregation, whether the same consist of real or personal estate, and whether the same shall have been or may be given, granted or devised directly to said church or congregation, or to any other person for their use; and also, by their cor-

Corporators.

Corporate name.

Corporate seal.

Corporate powers.

May purchase and hold real estate.

May appoint a rector.

Clerk and treasurer.

Meetings of trustees.

Vacancies, how filled.

porate name or title, to sue and be sued in all courts of law or equity, and to recover, hold and enjoy all the debts, demands, rights and privileges, and all churches, parsonages, school-houses, hospitals, infirmaries, and burying places, with the appurtenances, and all estates belonging to said church or congregation, in whatsoever manner the same may have been or may be acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in the said trustees; and also to purchase and hold all such real estate as may be necessary for the uses or purposes of the said church or congregation at any place within the said kingdom of Italy, subject to the laws of the said kingdom, and to demise, lease and improve the same for the use of such church and congregation, and also to acquire and hold all such personal property as may be necessary or useful for the purposes of such church or congregation; and the said trustees shall also have power to appoint a rector of the said church, being a regularly ordained priest or minister of the Protestant Episcopal Church, and in case of any vacancy in the office of the said rector by death, resignation or otherwise, to appoint his successor, and to make rules and orders for managing the temporal affairs of the said church or congregation, and to dispose of all moneys belonging thereto, and to regulate and order all other matters relating to the temporal concerns and revenues of the said church or congregation, and to appoint a clerk and treasurer of their said board; and them or either of them to remove at pleasure, and appoint others in their stead. And it shall be lawful for any two of such trustees at any time to call a meeting of such trustees, and a majority of the whole board, being lawfully convened, shall be competent to do and perform all matters and things which such trustees are authorized or required to do and perform; and all questions arising at any such meetings shall be determined by a majority of the trustees present. And the said trustees shall have power to fill any vacancy which may be created in their number by death, resignation or otherwise, in such manner as they may provide by appropriate by-laws, provided, however, that no person shall be

eligible to the office of such trustee who is not a communicant member of the Protestant Episcopal Church. And the said church and congregation shall be subject to the constitution and canons of the Protestant Episcopal Church of the United States of America, in all respects in which the same do not conflict with the provisions of this act, and shall recognize and accede to the doctrine, discipline and worship of the said Protestant Episcopal Church, and the said board of trustees, in addition to the powers hereinbefore conferred, shall have power to exercise all the functions and perform all the duties usually exercised and discharged by vestries of churches of the Protestant Episcopal Church in the United States of America and to appoint all agents resident in Italy or elsewhere, necessary or useful for the purposes of the care and management of the local affairs and business of the said church.

Church to be subject to the constitution and canons of P. E. church of the U. S.

§ 2. This act shall take effect immediately.

## Chap. 616.

**AN ACT** to amend chapter seven hundred and forty-four of the Laws of eighteen hundred and sixty-seven, entitled "An act to define the objects of the New York State Institution for the Blind and to provide for its management," passed April twenty-fourth, eighteen hundred and sixty-seven.

Passed May, 9 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section three of chapter seven hundred and forty-four of the Laws of eighteen hundred and sixty-seven, entitled "An act to define the objects of the New York State Institution for the Blind, and to provide for its management," passed April twenty-fourth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows :

§ 3. Applications for admission into the institution shall be made to the board of trustees in such manner

Applications for admission,

how  
made.

Certificate  
required.

as they may direct, but the board shall require such application to be accompanied by a certificate from the county judge or county clerk of the county or the supervisor or town clerk of the town, or the mayor of the city where the applicant resides, setting forth that the applicant is a legal resident of the town, county and state claimed as his or her residence.

§ 2. This act shall take effect immediately.

## Chap. 617.

AN ACT to provide for the purchase of a fire apparatus for the village of Canajoharie, and for the more effectual protection of said village against fire.

Passed May 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Trustees  
to issue  
bonds.

Amount  
limited.

Proceeds  
of bonds,  
how used.

Trustees  
to levy  
tax to pay  
principal  
and  
interest.

Treasurer  
to receive  
and dis-

SECTION 1. The trustees of the village of Canajoharie are hereby authorized to issue the bonds of said village in such sums as they shall deem expedient, to an amount not exceeding five thousand dollars, bearing interest at the rate of seven per cent. per annum, and to sell such bonds at not less than their par value, and to apply the proceeds to the objects and in the manner hereinafter provided.

§ 2. The said trustees shall, with the means provided in the first section of this act, purchase a fire apparatus, as they shall deem expedient and proper, for the extinguishment of fire in said village.

§ 3. The trustees aforesaid shall each year levy upon the taxable property within said village, in the same manner as other village taxes are levied, a sum sufficient to pay all interest falling due on the aforesaid bonds, and also one thousand dollars, which sums shall be faithfully applied in payment of the interest as it shall become due, and in the payment of the bonds authorized to be issued under the provisions of this act.

§ 4. The treasurer of said village shall receive and pay out all moneys arising from the tax provided for

in the preceding section of this act, as shall be directed by the trustees of said village, security for the faithful performance of his duty having been provided for in the bonds which said treasurer is now required to furnish by law.

buree  
money.

§ 5. The assessment of the tax heretofore mentioned shall be made in the same manner as is provided by law for assessments for the improvements in said village, and the tax shall be collected the same way as other village taxes are collected, and shall be paid into the treasury of said village.

Asses-  
ment of  
tax, how  
made.

§ 6. Any misapplication of the bonds aforesaid, or of the money arising from the sale of said bonds, or of any tax provided for in this act, by any person into whose hands any of them, or any part thereof shall come, shall be a misdemeanor, punishable by fine or imprisonment, or both, as may be determined by any court having jurisdiction in the premises.

Penalty  
for misap-  
plication  
of money.

§ 7. This act shall take effect immediately.

## Chap. 618.

AN ACT to authorize the Brooklyn Improvement Company to issue preferred and special stock.

Passed May 9, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Brooklyn Improvement Company may issue and use for any of the purposes authorized by its charter or amendments thereto, shares of preferred stock to an amount not exceeding its common or general stock, and may guarantee to such preferred stock such dividends or interest in priority to its general or common stock, and at such rates per annum as it may deem proper; and said company may divide its stock into two or more special classes, each class to appertain to and to represent specific portions of its property, and it may divide its stock into two general classes, one to represent its property situated between

Corpora-  
tion may  
issue  
preferred  
stock.

May  
divide  
stock into  
two or  
more  
classes.

Proviso  
as to  
approval  
of present  
stock-  
holders.

Fourth avenue and the Gowanus canal, and the other to represent its property between Fourth avenue and Ninth avenue in said city of Brooklyn, and each of said special classes of stock shall be entitled, as against the remaining stock, to such preferences and priorities in the management of the property which it shall specially represent, and in the distribution of the income earnings and proceeds of sale of the same, as may be agreed upon and stipulated by said company, and indicated in the certificates to be issued therefor; and said company may in any lawful manner secure to the holders of such preferred and special stock, the preferences and priorities hereinbefore authorized: Provided, however, that no action shall be taken by said company by virtue hereof, and no such preferred or special stock shall be issued until after this act shall have been submitted to and unanimously approved by the stockholders of said company at a duly called meeting or unanimously approved by said stockholders in writing.

§ 2. This act shall take effect immediately.

## Chap. 619.

### AN ACT dividing the State into congressional districts.

Passed May 6, 1872; notwithstanding the objections of the Governor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Congress-  
ional  
districts.

SECTION 1. For the election of representatives in Congress of the United States, this State shall be and is hereby divided into thirty-two districts, namely:

1st  
district.

The counties of Suffolk, Queens and Richmond shall compose the first district.

2d  
district.

The first, second, fifth, sixth, eighth, tenth, twelfth and twenty-second wards of the city of Brooklyn shall compose the second district.

3d  
district.

The third, fourth, seventh, eleventh, thirteenth, nineteenth and twentieth wards of the city of Brooklyn, and the twenty-first ward of said city, as bounded by sec-



tion two of chapter eight hundred and fourteen of the Laws of eighteen hundred and sixty-eight, shall compose the third district.

The ninth ward of the city of Brooklyn, as bounded by section one of chapter eight hundred and fourteen of the Laws of eighteen hundred and sixty-eight, the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth wards of said city, and the towns of Flatbush, Flatlands, Gravesend, New Lots and New Utrecht, in the county of Kings, shall compose the fourth district. 4th district.

The first, second, third, fourth, fifth, sixth, seventh, eighth and fourteenth wards of the city of New York and Governor's Island shall compose the fifth district. 5th district.

The eleventh and thirteenth wards of the city of New York, and that portion of the eighteenth and twenty-first wards of said city lying east of Third avenue, shall compose the sixth district. 6th district.

The tenth and seventeenth wards of the city of New York, and that portion of the eighteenth ward of said city lying west of Third avenue, shall compose the seventh district. 7th district.

The ninth, fifteenth and sixteenth wards of the city of New York, and that portion of the twenty-first ward of said city lying west of Third avenue, shall compose the eighth district. 8th district.

The twentieth and twenty-second wards of the city of New York shall compose the ninth district. 9th district.

The twelfth and nineteenth wards of the city of New York, and Blackwell's, Ward's and Randall's Islands shall compose the tenth district. 10th district.

The counties of Westchester, Rockland and Putnam shall compose the eleventh district. 11th district.

The counties of Orange and Sullivan shall compose the twelfth district. 12th district.

The counties of Dutchess and Columbia shall compose the thirteenth district. 13th district.

The counties of Ulster and Greene shall compose the fourteenth district. 14th district.

The counties of Albany and Schoharie shall compose the fifteenth district. 15th district.

The counties of Rensselaer and Washington shall compose the sixteenth district. 16th district.

- 17th district. The counties of Warren, Essex and Clinton shall compose the seventeenth district.
- 18th district. The counties of St. Lawrence and Franklin shall compose the eighteenth district.
- 19th district. The counties of Fulton, Hamilton, Montgomery, Saratoga and Schenectady shall compose the nineteenth district.
- 20th district. The counties of Delaware, Otsego and Chenango shall compose the twentieth district.
- 21st district. The counties of Jefferson, Lewis and Herkimer shall compose the twenty-first district.
- 22d district. The county of Oneida shall compose the twenty-second district.
- 23d district. The counties of Madison and Oswego shall compose the twenty-third district.
- 24th district. The counties of Onondaga and Cortland shall compose the twenty-fourth district.
- 25th district. The counties of Cayuga, Wayne and Seneca shall compose the twenty-fifth district.
- 26th district. The counties of Ontario, Livingston and Yates shall compose the twenty-sixth district.
- 27th district. The counties of Tioga, Tompkins, Broome and Schuyler shall compose the twenty-seventh district.
- 28th district. The counties of Chemung, Steuben and Alleghany shall compose the twenty-eighth district.
- 29th district. The counties of Monroe and Orleans shall compose the twenty-ninth district.
- 30th district. The counties of Genesee, Niagara and Wyoming shall compose the thirtieth district.
- 31st district. The county of Erie shall compose the thirty-first district.
- 32d district. The counties of Chautauqua and Cattaraugus shall compose the thirty-second district.

## Chap. 620.

**AN ACT** to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements.

Passed May 10, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful for the city of Brooklyn to issue its bonds or other obligations, or in any manner to loan its credit, for the purpose of providing the money required, to make payment for local improvements, as authorized and provided by the act entitled "An act relative to local improvements in the city of Brooklyn," passed April eleventh, eighteen hundred and sixty-one, beyond the amount or sum of two millions eight hundred thousand dollars outstanding at any one time, or as authorized and provided by the act entitled "An act to re-organize the board of water and sewerage commissioners of the city of Brooklyn, and to provide for the re-paving, repairing and cleaning the streets of said city by said board," passed April second, eighteen hundred and sixty-nine, or any act amendatory thereof beyond the amount or sum of two millions two hundred thousand dollars outstanding at any one time.

Amount  
for which  
bonds for  
certain  
local  
improvements  
may be  
issued.  
limited to  
\$2,000,000.

§ 2. Any officer signing or executing any bond or obligation, in contravention of the provisions of the preceding sections of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to imprisonment for not less than one year and a fine of not less than one thousand dollars for each offense.

Penalty.

§ 3. This act shall take effect immediately.

## Chap. 621.

AN ACT to amend an act entitled "An act for establishing a turnpike road between the cities of Albany and Schenectady," passed March thirty, eighteen hundred and two, and authorizing the president, directors and company of said turnpike road to abandon a part of their road.

Passed May 10, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Company  
may  
abandon  
that part  
of its road  
lying in  
city of  
Schenec-  
tady.

SECTION 1. The president, directors and company of the Albany and Schenectady turnpike road are hereby authorized to abandon that part of their present road which lies within the boundaries of the city of Schenectady, by resolution, of which a copy shall be filed in the office of the clerk of the city and county of Schenectady; and the part so abandoned shall from thenceforth be no part of said turnpike road.

Restric-  
tion as to  
toll re-  
pealed.

§ 2. So much of section five of the act entitled "An act for establishing a turnpike road between the cities of Albany and Schenectady," passed March thirtieth, eighteen hundred and two, as restrains the exaction of toll for any carriage loaded with an ordinary load of firewood, turf, fossil coal or hay, or the horses, oxen or other animals drawing the same, is hereby repealed.

§ 3. This act shall take effect immediately.

## Chap. 622.

**AN ACT** to provide for examining and auditing the accounts of certain commissioners for making, improving or extending certain roads in the town of Yonkers.

Passed May 10, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The several boards of commissioners, appointed in and by chapter one hundred and fourteen of the Laws of eighteen hundred and sixty-four, chapter three hundred and eleven of the Laws of eighteen hundred and sixty-five, and chapter eight hundred and thirty-one of the Laws of eighteen hundred and sixty-six, and their successors in office, are hereby required and directed, within sixty days after the passage of this act, to make and exhibit a full and correct statement, and account, properly verified, showing their receipts and expenditures in detail with vouchers therefor, to the board of town auditors of the town of Yonkers, who are hereby authorized to examine said statement and accounts and to audit the same. All unsold bonds, and all sums of money remaining in the hands or under the control of either of said boards of commissioners, respectively, shall, so soon as said statement and account shall have been audited, be delivered and paid over, by said board of commissioners, respectively, to the supervisor of the town of Yonkers, and it shall be applied by him, under the direction and upon the requisition of the commissioners of highways of the town of Yonkers, to the maintenance of the roads for and in respect to which the said bonds were originally issued, and said sums of money were originally collected and paid over to the said boards of commissioners, respectively.

Commissioners to make and exhibit verified account to board of town auditors within sixty days.

Unsold bonds, money, etc., to be paid over to supervisor.

How applied by supervisor.

§ 2. This act shall take effect immediately.

## Chap. 623.

AN ACT to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York.

Passed May 10, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Purpose  
for which  
company  
is formed.

SECTION 1. The first clause of article two of the Agricultural Insurance Company of Watertown, Jefferson county, is hereby amended so as to read as follows: "This company is formed for the purpose of insuring farmers' dwellings, private residences, barns and out buildings with their contents and other property, not more hazardous, against loss or damage by fire, and it shall be confined in its business to such property. The business of the company is to be conducted on the joint-stock plan, reserving to the company all the powers, privileges and benefits conferred by the several acts of the Legislature of the State of New York, upon companies organized for similar purposes, or that may be hereafter conferred by law upon incorporated companies formed under the laws aforesaid for the purposes of insurance as aforesaid."

Business,  
upon  
what plan  
con-  
ducted.

Capital,  
how to be  
invested.

§ 2. Article sixteen of the charter of said company shall be amended so as to read as follows: "This company shall invest its capital and its additional funds pursuant to the second section of the act of the Legislature of the State, passed April nineteenth, eighteen hundred and sixty-two, entitled 'An act to amend an act entitled 'An act to provide for the incorporation of fire insurance companies,' passed June twenty-fifth, eighteen hundred and fifty-three, and all acts amendatory thereto or supplemental thereof, and may also hold and convey real estate, in the cases, and to the extent and subject to the restrictions provided by law.

## Chap. 624.

AN ACT to amend the charter of the United States Life Insurance Company in the city of New York.

Passed May 10, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sixth section in article six of the charter of the United States Life Insurance Company in the city of New York, is hereby amended so as to read as follows:

§ 6. The said company shall, within thirty days after the fourth day of March, eighteen hundred and seventy-three and in every subsequent year, cause a balance to be struck of the affairs of the company showing the gross profits of said company, if any, for the year ending on the thirty-first day of December preceeding; and after deducting therefrom all the proper costs, charges, expenses and interest on the guarantee capital and the scrip certificates hereinafter provided for, and reserving thereout such sums as may be necessary and proper to be applied to the reserve and surplus fund of said company, shall apportion the residue of the net profits as is provided for by the fifth section of said article six of the said charter as hereby amended. The distribution of the sum so apportioned to the policyholders of said company shall be made in accordance with the provisions of section two, of the act of the Legislature, entitled "An act to amend the charter of the United States Life Insurance Company, passed May sixth, eighteen hundred and seventy," it being understood, however, that no portion of a year shall be estimated in determining a right to profits, and each holder of the guarantee capital shall be credited on the books of the company with his portion of the net profits so declared as aforesaid, for which he shall be entitled to receive a scrip certificate, assignable only on the books of the company on surrender of the certificate, bearing an annual interest of seven per cent., to be paid semi-

Balance to be struck showing gross profits.

Residue of profits to be apportioned.

Distribution of profits, how to be made.

When certificates of guarantee capital shall be issued.

annually, on the same days on which interest on the guarantee capital shall be payable and so on, until the aggregate of the guarantee capital and of such scrip certificates shall amount to the sum of one million dollars, when said scrip shall be surrendered, and certificates of guarantee capital shall be issued in lieu thereof, whereupon the guarantee capital shall consist of said amount of one million dollars, and shall be entitled to interest as now provided for in the fourth section of said article six of said charter, but shall not be entitled to any pro rata share in the net profits of said company, except a sum equal to three per cent. per annum on the said capital and all of said net profits, ascertained as above directed, except said last mentioned sum of three per cent. per annum shall be apportioned among the policyholders in said company, in the same manner as is provided in the second section of the said act of May sixth, eighteen hundred and seventy.

§ 2. Section five of said article six of the said charter is hereby amended by striking thereout the words "who shall have paid an annual premium three years in succession."

§ 3. All parts of said charter inconsistent with the provisions of this act shall from the date to the passage of this act cease to be operative and of any force.

§ 4. This act shall take effect immediately.

## Chap. 625.

AN ACT to amend an act entitled "An act to revise the charter of the city of Utica," passed February twenty-eighth, eighteen hundred and sixty-two, passed February twenty-fifth, eighteen hundred and seventy.

Passed May 10, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section ninety-nine of the act entitled "An act to revise the charter of the city of Utica," passed February twenty-eighth, eighteen hundred and



sixty-two, passed February twenty-fifth, eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 99. The common council shall have power to cause any street, highway, lane or alley in said city, to be graded, leveled, paved or repaved, and to cause such crosswalks, sidewalks, drains and sewers to be made therein as it shall deem necessary, and the same to be repaired, amended or relaid as it shall deem necessary. Prior to the passage of any ordinance for such purpose, it shall cause a plan and accurate specification of the work proposed to be constructed, to be prepared and filed with the city clerk. It shall then cause to be published, for three alternate days in the official newspapers a notice of the filing of the said plans and specifications, and that on a certain day, at least six days from the first publication thereof, the common council will act in relation to its construction, and in the mean time sealed proposals for constructing the work, with bonds for the faithful performance thereof, will be received by the mayor. Upon the day mentioned in the notice, the mayor shall, in the presence of the common council, open the sealed proposals for constructing the work. In case the whole expense of any improvement under this section, in the opinion of the common council, will not exceed the sum of thirty dollars, no specification or notice need be published, except the publication in the official proceedings of the action of the common council in relation thereto, at least eight days before final action shall be taken thereon. No proposal shall be considered which shall not be accompanied by a bond with sureties, and in a penalty, both to be approved by the common council, conditioned, that if the proposal be accepted, the person proposing will construct the work at the price and upon the terms proposed, according to the plans and specifications filed with the clerk, and subject to the supervision and approval of such person as the common council may designate for the purpose, and that the person making the proposal will erect and maintain suitable guards and lights to prevent injuries to such work, or to persons or property, by or in consequence of the prudent and care-

Common council to cause streets to be graded, etc.

Notice to be published.

When notice need not be published.

Proposals to be accompanied with bond with sureties. Conditions of bond.

Common council to accept most favorable proposal unless some person liable to be assessed shall propose to do work fifteen per cent. less.

ful use of such street, highway, lane, alley, side or crosswalk, during the progress of such work, and will save the city harmless and indemnified against all loss, damage or expense that may arise by or through any neglect of such person, or those in his employ, to erect or maintain such guards and lights, or either of them, and if from any cause said proposals are not opened and no action be taken on the same at the time designated, it shall be lawful for the common council to open and act thereon at any regular meeting thereafter. The common council shall then determine whose is the most favorable proposal. It may then, by a vote of a majority of all its members, authorize and direct the construction of the proposed work, accept the most favorable proposal and direct the expense thereof to be assessed in the manner hereinafter stated, unless at the next meeting of the common council, one or more of the persons liable to be assessed for said work, shall propose (and tender bonds therefor as aforesaid) to do the work at an expense at least fifteen per cent. less than the proposal deemed the most favorable, in which case the work shall be let to the person or persons last proposing; provided, however, that all of said propositions are not deemed unreasonable.

§ 2. Section one hundred and seven of said act is hereby amended to read as follows:

Persons aggrieved may appeal.

§ 107. Any person considering himself aggrieved by any assessment made pursuant to the provisions of section ninety-nine may appeal therefrom to the common council; such appeal shall be in writing, and shall be delivered to the clerk or presiding officer of the common council within twenty days after the filing of such assessment with the clerk. In case of appeal to the common council, the common council shall appoint a time within eight days after receiving such appeal for hearing those interested, and may adjourn said hearing as may be necessary; they shall have power in their discretion to confirm said assessment, to amend and correct the assessment roll in whole or in part, or to annul the same and direct a new assessment to be made by the assessors or by such other persons as the council may designate, and in such case the same proceedings

Proceedings on appeal.

shall be had as are herein provided as to the first assessment except that said re-assessment shall provide for the expense of both assessments, and shall be final and conclusive. In case any tax or assessment shall be void or shall have failed for want of jurisdiction, or for any irregularity in the levying or assessing thereof, the common council shall have power, and it shall be their duty, to cause the same to be re-assessed in a proper manner.

In case tax or assessment shall be void, to be re-assessed.

§ 3, The provisions of chapter five hundred and seventy-five, of the Laws of eighteen hundred and sixty-eight, shall apply to all assessments for city tax purposes in and for the city of Utica.

Existing provisions of law to apply.

§ 4. Subdivision thirteen of section thirty-five of the city charter is hereby amended so as to read as follows: To regulate the burial of the dead, to provide for and require the registration of all physicians practicing in the city, the return and registration of marriages, births and deaths, and to prescribe penalties for any default, in or violation of any ordinance passed under this subdivision; to appoint a superintendent of public parks, and enact such ordinances, rules and regulations as may be necessary for the improvement, care and preservation of the same.

Burial of the dead, registration of physicians, etc.

§ 5. It shall be lawful for the mayor, any alderman, supervisor or street commissioner, and it shall be the duty of the chief of police and every policeman of the city to arrest, detain and take before the recorder of said city (or officer acting as such) every person whom they or any of them shall find committing a violation of any ordinance passed or that may hereafter be passed by the common council of said city.

Persons violating ordinances to be arrested.

§ 6. Section forty-seven of said act is hereby amended by adding thereto the following: the common council shall also have power to raise, by tax upon the real and personal property in the city liable to taxation, such sum as shall be determined by the common council to be necessary to defray the expense of improving, keeping and maintaining in good condition the public parks of the city, including the salary of the superintendent thereof, which sum so raised, shall be in addition to the

Tax to defray expenses of public parks.

taxes in this section above provided for, and shall be collected therewith and all moneys raised for this purpose shall be kept by the treasurer as a separate fund and shall be drawn from the treasury only by orders specifying that the same are drawn for the purposes for which they were raised.

§ 7. This act shall take effect immediately.

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## Chap. 626.

AN ACT to amend section fourteen of an act entitled "An act to incorporate the Sidney and Unadilla Bridge Company," passed April twenty-seventh, eighteen hundred and sixty-six.

Passed May 10, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section fourteen of an act entitled "An act to incorporate the Sidney and Unadilla Bridge Company," passed April twenty-seventh, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

No bridge to be built or ferry run within one mile of bridge of corporation.

Penalty.

§ 14. It shall not be lawful for any person to erect a bridge over or run a ferry across the Susquehanna river within one mile of said bridge when the said bridge shall be in a safe state for crossing over the same. Nor shall it be lawful during such time for any person to cross said river within said distance, except in his own boat, to and from his own land, without paying to said corporation the toll established by law. Any person violating the provisions of this section shall forfeit and pay to said corporation five times the amount of the toll which it would be entitled to receive if said person had, for such purpose, used the bridge aforesaid in the usual manner, to be recovered, with costs of suit, in an action commenced for that purpose,

§ 2. This act shall take effect immediately.

## Chap. 627.

## AN ACT in the relation to the court for the trial of impeachment.

Passed May 10, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The court for the trial of impeachment shall be a court of record, and when summoned shall meet at the capitol in the city of Albany. After the defendant shall have appeared, the court shall appoint a time and place in the city of Albany or elsewhere, for the further proceedings and trial of the impeachment. The clerk and officers of the Senate shall be the clerk and officers of said court, and the President of the Senate shall preside therein, and in his absence the chief judge of the Court of Appeals shall preside, and in the absence of the President of the Senate and the chief judge, such other members shall preside as the court shall elect.

A court of record.

Court to appoint time and place for trial.

Clerk and officers.

§ 2. The seal of the court for the trial of impeachments heretofore procured, and now deposited and recorded in the office of the Secretary of State shall continue to be the seal of the court for the trial of impeachments organized under this act.

Seal.

§ 3. All laws relating to the court for the trial of impeachments, the jurisdiction, powers and duties thereof, the proceedings therein, and the officers thereof, and their powers and duties shall be applicable to the court for the trial of impeachments organized by this act, the jurisdiction, powers and duties thereof, the proceedings therein, and the officers thereof, and their powers and duties so far as the same can be so applied, and are consistent with the Constitution and the provisions of this act.

Jurisdiction, powers and duties as prescribed by existing laws.

§ 4. This act shall take effect immediately.

## Chap. 628.

AN ACT to supply the village of Warren, in the county of Rockland, with pure and wholesome water.

Passed May 10, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Special election to be called by trustees.

Question to be submitted to tax-payers.

In case of majority vote, trustees to raise by loan amount necessary.

Tax to pay principal and interest.

Rules and regulations for use of water.

SECTION 1. The board of trustees of the village of Warren are hereby authorized and empowered to call and hold a special election pursuant to title four of the act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, at which election there shall be submitted to the tax-payers of said village, the question of the creation of a bonded debt, not exceeding thirty thousand dollars, for bringing water from the Hackensack creek at or above De Pew's bridge into said village, and for constructing a system of water-works to supply said village with pure and wholesome water for private and public uses.

§ 2. In case a majority of said tax-payers vote for so supplying said village with water, the trustees of said village are hereby authorized and directed to raise by loan from time to time, and in such amounts as may be necessary, said sum of thirty thousand dollars, and shall issue village bonds for the same, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and redeemable in not to exceed twenty years, which said bonds shall not be sold or disposed of at less than their par value.

§ 3. The said trustees are hereby authorized and directed to include in the assessment of the annual village taxes, such sum as shall be necessary to pay the interest and matured principal of said bonds, after applying thereon the net revenues from water rents; and to collect the same in the same manner as the ordinary taxes of said village are collected by law.

§ 4. The said trustees are hereby authorized to establish all necessary rules and regulations for the distribution and use of said water; and to determine and fix the

prices and rental therefor, and may enforce the payment thereof, in any court having jurisdiction, and may, in addition for non-payment of such rates and for waste, suspend and cut off the supply of water; and impose penalties for a violation of such rules and regulations; but such penalty shall not, in any case, exceed the sum of twenty dollars, which may be sued for and recovered with costs in any court having jurisdiction. Penalty.

§ 5. The said trustees are hereby authorized to purchase and take title to any real estate which it may be necessary for said village to have and hold in order to carry out the objects of this act; and in case the said trustees shall be unable to agree with the owner or owners for the purchase and conveyance of the same, they are hereby authorized to acquire the right to the possession and use thereof, and to so much as shall be necessary for the purposes of this act, as is provided in title seven of the act for the incorporation of villages, passed April twentieth, eighteen hundred and seventy. To acquire necessary real estate.

§ 6. The said trustees are hereby authorized to construct and keep in repair, all necessary reservoirs within the corporate limits of said village, for the use of the fire department thereof in the extinguishment of fires, and to establish all needful regulations for the use of said water for fires and for all public purposes. Reservoirs for use of fire department.

§ 7. This act shall take effect immediately.

## Chap. 629.

**AN ACT** relating to the marine court in the city of New York, declaring and defining its jurisdiction and practice, and consolidating the several acts affecting the said court.

Passed May 10, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The marine court of the city of New York shall be and is hereby declared a court of record to and for all intents and purposes, and shall continue to be vested with the jurisdiction now conferred upon A court of record.

it by law, except as otherwise prescribed, declared and enlarged by this act.

Process  
and pro-  
ceedings.

§ 2. The forms of process and proceedings prescribed by the Code of Procedure for and now in use in actions, proceedings and remedies in the other courts of record shall be used in the said marine court of the city of New York, as near as may be; and all actions, proceedings and remedies shall be had before the said court in the same manner of pleading and procedure as they are now had before the said other courts of record, except when and as otherwise directed by this act.

Jurisdic-  
tion.

§ 3. The jurisdiction of the said marine court of the city of New York shall extend to and comprehend the following cases of actions, proceedings and remedies, in cases wherein the amount of money, damages and recovery claimed shall not exceed the sum of one thousand dollars, exclusive of costs and allowances in the action and interest on the sum recovered:

Actions  
on con-  
tract for  
recovery  
of money  
only.

1. An action arising on contract, parol or under seal, for the recovery of money only; or upon a matter of account; or for unliquidated damages for the breach, the penalty, or for stipulated damages therein conditioned; and where the payments are to be made by installments, an action may be brought for each installment as it becomes due.

Injury to  
person or  
property.

2. An action for damages for injury to rights pertaining to the person, or to personal or real property.

Upon  
surety,  
bond, etc.

3. An action upon a surety, bond or undertaking taken in the said court, in any action or proceeding; but without said limitation of jurisdiction as to amount of claim or recovery thereon.

Upon  
judg-  
ments.

4. An action on a judgment rendered in and by any court of this State, or any inferior court, in any county or city, in this State, where such action is not prohibited by section seventy-one of the said Code of Procedure.

Confes-  
sions of de-  
fendants.

5. To take and enter judgment on the confession of one or more defendants.

Fraud in  
sale of  
property.

6. An action for damages for fraud in the sale, purchase or exchange of personal or real property.

Libel,  
slander,  
etc.

7. An action for damages for libel, slander, false imprisonment, malicious prosecution, criminal conversation, seduction, assault and battery.



8. An action on the charter or a by-law or ordinance of the corporation of the city of New York. Ordinance of city.

9. An action in which the people of this State are party plaintiffs for recovery of penalties. Penalties.

10. Of proceedings for the foreclosure of mechanics' liens. Mechanics' liens.

11. An action on the official bond of a marshal upon leave being first granted by a justice of the said court at the chambers thereof. Official bond of marshal.

12. An action to recover the possession of personal property, in which action the plaintiff may, at the time of issuing the summons therein, or at any time before, answer, claim the delivery of such property, as provided by sections from two hundred and six to two hundred and seventeen, both inclusive of the Code of Procedure, and subject to the provisions thereof. And all provisions of law restricting the jurisdiction of the said court to an amount less than one thousand dollars in any action or proceeding therein, whether the same is above enumerated, or of which the said court now has, by existing law, jurisdiction, are hereby, each and every of them, repealed. Recovery of possession of personal property.

And any other court of record in the city and county of New York shall have power, by an order to be entered by its direction on its minutes, to send any action of libel, slander, assault, battery, criminal conversation, seduction, malicious prosecution or false imprisonment, pending, or that may hereafter be brought in said courts of record, after issue has been joined therein, to the said marine court, for trial, and a certified copy of such order shall be delivered to and filed with the clerk of the said marine court and entered by him in its minutes, and thereupon the said marine court of the city of New York, shall have immediate and exclusive jurisdiction of such action, and the said jurisdiction of the said court as to the amount of the recovery in such action, costs and additional allowances therein, shall, for the purposes of such action, be the same and as full and comprehensive as that of the court from whence the same proceeds. Limits repealed.

13. In an action between a person belonging to a vessel in the merchant service, and the owner, master, or commander thereof, demanding compensation for the Other courts of record may send actions for libel, etc., to marine court for trial.

When marine court to have jurisdiction.

Between sailors and ship-masters in

merchant  
service.

performance, or damages for the violation of a contract for services on board such vessel, during a voyage performed, in whole or in part, or intended to be performed by such vessel, though the sum demanded exceed one thousand dollars.

For  
assault  
and bat-  
tery, etc.,  
on board  
vessels in  
merchant  
service.

14. In an action by or against any person belonging to or on board of a vessel in the merchant service for an assault and battery or false imprisonment committed on board such vessel upon the high seas, or in a place without the United States, of which the ordinary courts of law of this State have jurisdiction, though the damage exceed one thousand dollars. But nothing in this or the last preceding subdivision of this section shall give the said court power or authority to proceed in any of the cases therein referred to as a court of admiralty or of maritime jurisdiction.

Certain  
actions  
against  
corpo-  
rations.

15. To actions against corporations created under or by the laws of this State and transacting their general business, or keeping an office for the transaction of business within the said city of New York, or established by virtue of statute or in pursuance of general law therein, or created by or under the laws of any other State, government or country for the recovery of any debt or damages, whether liquidated or not, arising upon contract made, executed or delivered within this State, or upon any cause of action arising therein.

Chief  
justice.

§ 4. The Marine Court of the city of New York shall, within twenty days after this act takes effect, designate one of the justices thereof to be the chief justice of the said court, of which designation a record shall be made and filed in the office of the clerk of the said court. The said chief justice shall have like authority for the purposes of, and within the jurisdiction of, the said court as that conferred upon and exercised by a chief justice or presiding judge of the Supreme Court of the State of New York; and when present, and not disqualified, shall preside at the general terms of the said marine court. The court shall appoint general and trial terms; and, also, special terms thereof for hearing and deciding issues of law, motions and other proceedings; and prescribe the duration thereof and assign the justices for presiding thereat; and a majority of the

His au-  
thority.

Terms.

justices may, from time to time, alter such appointments; and in case of the inability, for any cause, of a justice so assigned to preside, any other justice may preside in his place. A general term shall be held by at least two of the justices, and a trial term and a special term by a single justice, one or more of which terms may be held at the same time. Judgments upon appeals shall be given at the general term; all other judgments at the trial term or the special term. In all cases tried before a single justice without a jury, he shall render his decision within ten days after the same has been finally submitted to him for determination; should he neglect or refuse to render the decision within that time, the court shall not lose jurisdiction of the case, nor shall the action abate; and in all causes tried before a single justice, without a jury, if required by a party appealing from the judgment therein, the said justice shall, within ten days after requisition, make and file with the clerk of the said court his findings therein of law and fact for the purposes of such appeal. The concurrence of two justices shall be necessary to pronounce a judgment at the general term; if two do not concur, the appeal shall be reheard upon argument; and the justices hearing a case on appeal can, in their discretion, order a re-argument thereof, before themselves, or before a subsequent general term.

§ 5. All actions brought in the said court shall be commenced by the service of a summons of like form and substance, and in manner as in the other courts of record, and the practice for the commencement of actions, proceedings therein, and that relating to pleadings and demurrers, and to the conduct of such actions and proceedings are hereby made and declared applicable in all respects to actions and proceedings in the said marine court of the city of New York, except that the time within which the defendant shall be notified in the summons to answer the complaint, and within which the defendant may give notice of appearance and demand a copy of the complaint, shall be six days instead of twenty days as in other courts of record. A party may answer or demur to any pleading or may reply to an answer within six days after the service of the pleading

By whom  
held.

In cases  
tried  
before  
justice  
without  
jury, deci-  
sion to be  
rendered  
within ten  
days.

Findings  
of law and  
facts to be  
filed.

Actions,  
how com-  
menced.

Time to  
answer,  
etc., to be  
six days.

Time in  
case of  
non-resi-  
dents.

to which he demurs or replies; and a motion for judgment on the answer, and for like causes as allowed by the said Code of Procedure, may be made on a notice of not less than two days. The said time within which an answer is required to be served may be shortened to not less than two days in an action brought by a non-resident plaintiff or against a non-resident defendant of the city of New York, upon due proof of the fact of such non-residence, and by the order thereupon of one of the justices of the said court, who may require of the party applying for such order an undertaking, with surety for costs and disbursements of such action; but the subsequent proceeding and general conduct of such action shall be in conformity with that of actions commenced by the said ordinary summons, to the end that the practice in the said court may be as uniform in other respects as convenient, except that actions under subdivisions thirteen and fourteen of section three shall be commenced by warrant and conducted to final judgment as now prescribed by law, and all existing provisions of law relating to the particulars of such proceeding are hereby continued in force.

Orders of  
arrest.

§ 6. In all cases where a warrant is now allowed by statute to issue from out of the said court for the arrest of a person, no such warrant shall hereafter issue; but, instead thereof, an order of arrest may be granted by a justice of the court, to be applied for in the action, and for like causes and in like manner as now required by the provisions of the said Code of Procedure. Always excepted, that an undertaking and sureties may be, in the discretion of the justice, not required in an action by or against any person belonging to or on board of a vessel in the merchant service, for an assault and battery or false imprisonment committed on board such vessel upon the high seas, or in a place within the United States of America. And also an attachment against property may issue in an action in the said court, for like causes, and in the manner and with like effect, as allowed and prescribed by the provisional remedy of the Code of Procedure, and for causes allowed by existing law in said the marine court.

Attach-  
ments.

§ 7. In all actions where the amount recovered is fifty dollars or more, the plaintiff, where the defendant does not appear, shall have the sum of ten dollars, besides disbursements in the action, for his costs; where the amount of recovery is five hundred dollars or more, then, in such case, fifteen dollars; and, where an issue is joined and a trial had, the sum of ten dollars in addition thereto. If judgment be given against the plaintiff for any cause in any action, after an appearance by the defendant, the defendant shall have allowed to him ten dollars where judgment is rendered without a trial, and twenty dollars where a trial is had upon an issue of fact; and, in a litigated action, wherein a claim is over one hundred dollars, the justice presiding at the trial may in his discretion, allow to the party in whose favor judgment is rendered, an additional allowance not exceeding twenty-five dollars. To either party for the trial of an issue of law, ten dollars; on the granting or denial of a new trial and of any other motion in the action, an amount not to exceed ten dollars, in the discretion of the justice or court; and in like discretion to the appellant, on reversal of the judgment by the general term, twenty-five dollars; to the respondent, on affirmance thereof, fifteen dollars; and on appeal from an order ten dollars. The clerk shall formally tax and insert these costs, together with the amount of all necessary disbursements, in the entry of judgment, on application of the successful party, and without notice to the adverse party, but the same shall be subject to re-taxation if any party be aggrieved thereby.

Costs and  
disburse-  
ments.

Clerk to  
tax costs

§ 8. A judgment of the said marine court for the sum of twenty-five dollars, or over, exclusive of costs, the transcript whereof is docketed in the office of the clerk of the city and county of New York, shall have the same effect as a lien, and be enforced in the same manner as the judgments of the court of common pleas for the city and county of New York. All process except the summons shall be directed to and executed by the officers as now prescribed by existing laws, who shall be subject to the control and orders of the said marine court in respect thereto, with the like power and in the

Judg-  
ments,  
when to  
be liens.

Process,  
by whom  
executed.

same manner and with like effect as is now by law given to and exercised by the said other courts of record.

In what cases appeals may be taken.

§ 9. In the said marine court an appeal upon the law may be taken to the general term thereof from a judgment entered upon the report of a referee, or the direction of a single justice of the same court, in all cases; and upon the fact when the trial is by the court or a referee, in the same manner and with like effect as appeals, in the Supreme Court of the State of New York, are directed and provided for by the Code of Procedure.

Appeals from orders.

§ 10. An appeal may in all cases, and in the same manner, and with like effect as now allowed by the said Code of Procedure in the said Supreme Court, and within ten days after written notice of the order shall have been given to the party appealing, be taken, but only to the general term of the said marine court, from an order made by a single justice of the said court, in any stage of the action, and may thereupon be reviewed.

To grant new trials, etc.

§ 11. The said marine court may, and hereby has power, to grant new trials, or affirm, modify, or reverse judgments in actions tried in said court, in all cases and in the same manner and with like effect as is now given by law to other courts of record.

Rules and regulations of Supreme Court to apply.

§ 12. The rules and regulations of the Supreme Court of this State shall apply to the said marine court as far as the same may be applicable, and such changes, alterations and additions as may be, from time to time, made in and to such rules and regulations by the said Supreme Court, shall affect the said marine court in like manner as the said Supreme Court shall be affected thereby; and such alterations, changes and additions shall be as binding upon said court as they will be upon the said Supreme Court; subject, however, to the express provisions of this act, which shall prevail whenever said provisions may be in conflict with such rules and regulations.

References.

§ 13. The said marine court, or a justice thereof, may, upon the written consent of the parties or their respective attorneys, and not otherwise, refer all or any of the issues in an action to a referee to hear and determine the same, or to report thereupon to the court.

§ 14. A notice of all the motions, than those above provided for, shall be served four days, at least, before the time named therein for the hearing, unless the court or a justice thereof may, by an order to show cause, prescribe a shorter time. Notice of motion.

§ 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 16. This act shall take effect at the end of twenty days from the passage thereof, except as to actions and proceedings now pending, which may be conducted by the practice now in use in the said marine court, so far to final judgment in such action or proceeding. When to take effect.

## Chap. 630.

AN ACT to amend an act entitled "An act to incorporate the New York Life Insurance and Trust Company," passed March ninth, eighteen hundred and thirty, and the act amendatory thereof, passed May second, eighteen hundred and thirty-four.

Passed May 10, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The seventh section of the act entitled "An act to incorporate the New York Life Insurance and Trust Company," passed March ninth, eighteen hundred and thirty, is hereby amended so as to read as follows:

§ 7. The capital of said corporation shall be a million of dollars, which shall be divided into shares of one hundred dollars each. The whole of said capital shall be invested in bonds and mortgages on unincumbered real estate within the State of New York or in the public stocks of the United States or the public stocks of the State of New York. The real property mortgaged to secure any investment of capital shall, in every case, be double in value of the sum charged thereon. Capital.  
How in-  
vested.

§ 2. Section first of the act passed May two, eighteen hundred and thirty-four, entitled "An act to alter and amend an act entitled 'An act to incorporate the New

York Life Insurance and Trust Company," passed March ninth, eighteen hundred and thirty, is hereby amended so as to read as follows:

Amount of money to be received in trust or on deposit, etc., limited.

§ 1. The amount of money which the New York Life Insurance and Trust Company shall have in trust, in deposit, or on loan at any time, shall not exceed ten times the amount of its capital and surplus, nor shall its outstanding loans at any time exceed said amounts; but the said company may at any time receive in deposit and loan out any money which may be deposited with them by the Supreme Court, or any of the courts of law or equity, or surrogates' courts, of this State, notwithstanding the limitation contained in this act.

## Chap. 631.

AN ACT in relation to the College of the city of New York.

Passed May 10, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

President to be ex officio trustee.

SECTION 1. The president of the college of the city of New York shall hereafter be ex-officio a trustee of said college, and a member of the executive committee of the said trustees for its care, government and management.

§ 2. This act shall take effect immediately.

## Chap. 632.

AN ACT in relation to the Brooklyn Club.

Passed May 10, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Quorum.

SECTION 1. The Brooklyn Club, a corporation created in pursuance of chapter three hundred and sixty-eight of the Laws of eighteen hundred and sixty-five, is hereby authorized to provide and determine by its by-laws,



what number of its directors, not less than seven, shall constitute a quorum for the transaction of its business.

§ 2. This act shall take effect immediately.

## Chap. 633.

### AN ACT relating to the Queens County Railway Company.

Passed May 10, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Queens County Railway Company, duly organized under and pursuant to chapter one hundred and forty of the Laws of eighteen hundred and fifty, and the several acts amendatory thereof, is hereby permitted, authorized and empowered to construct and operate its roads upon and through its designated route, and to operate the same by horse power, and may lay down rails thereon less than the law prescribes, but not less than forty pounds to the lineal yard.

The Q. C. Railway Co. may operate its road by horse power.

§ 2. The said railway company may consolidate with any other railroad company, upon the consent of a majority of the directors of said railroad companies, and may lease or sell its road and franchises, or any part thereof, upon the consent of a majority in interest of its stockholders being had and obtained.

May consolidate with any other company.

§ 3. This act shall take effect immediately.

## Chap. 634.

### AN ACT relating to the Pacific Mail Steamers Company, authorizing the reduction of its capital stock and prescribing the qualification of directors.

Passed May 11, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION I. The Pacific Mail Steamship company is hereby authorized to reduce its capital stock to ten millions of dollars, upon first obtaining the written consent

Company may reduce its stock.

Consents  
to be ob-  
tained.

of stockholders owning two-thirds of said capital stock, and to that end may buy in, cancel and extinguish its shares, so far as the same can be purchased at prices not exceeding the par value thereof; and the shares so purchased shall be retired and extinguished in reduction of the capital stock of the company, and shall not be issued again.

Qualifi-  
cations of  
directors.

§ 2. Any citizen of the United States who is a stockholder of the company in his own right shall be qualified, when duly elected, to act as a director of said company. But a majority of the directors shall be citizens of the United States.

§ 3. This act shall take effect immediately.

## Chap. 635.

AN ACT to amend the charter of the Foundling Asylum of the Sisters of Charity, in the city of New York.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Asylum  
author-  
ized to  
take  
charge of  
children.

SECTION 1. The Foundling Asylum of the Sisters of Charity of the city of New York, a corporation created, organized and acting under and by virtue of the laws of this State, are hereby authorized and empowered to receive and keep and take under its care, charge custody and management, the following children or persons:

Aban-  
doned  
children.

1. Children of the age of two years or under, found in the city of New York, abandoned or deserted, as hereinafter mentioned and specified.

Children  
by con-  
sent of  
surviving  
parent.

2. Children of the like age, whose father or mother is dead, and whose surviving parent is for any cause unable to maintain them, and who, by consent in writing of such surviving parent, may be entrusted to such corporation.

Children  
born out  
of wed-  
lock, by  
consent of  
mother.

3. Children of like age, born out of wedlock, who, by the consent of the mother, may be entrusted to the said corporation; which class shall also include children, whether born in wedlock or not, left in the crib

or other receptacle of the said corporation for foundlings.

4. Children of like age, having no parent living, and who, by consent in writing of their guardian, or nearest relative of full age, may be entrusted to said corporation.

Having no parents, by consent of guardian.

5. Children of like age, who may be transferred and entrusted to said corporation by the commissioners of public charities and correction of the city and county of New York.

Entrusted to it by commissioners of public charities.

6. The said corporation may also, with a view to health and nourishment of the child and reformation of the mother, receive temporarily the mother of any such child, born out of wedlock, committed or entrusted as aforesaid, and discharge her; provided always, that such mother shall not be received or detained except on her own request, and by and during her free will and consent.

May temporarily receive the mother.

§ 2. Children entrusted to said corporation by the voluntary act of their parents, guardian or nearest relatives, as hereinbefore provided, shall be deemed to be in the lawful charge and custody of said corporation. Such entrusting shall be made and evidenced by an instrument in writing in form substantially as follows, viz : I, A. B. (father, mother, guardian or nearest relatives, as the case may be) of a (male or female as the case may be) infant child, aged        named        (or not named as the case may be), born at        do hereby surrender and entrust to the foundling asylum of the sisters of charity in the city of New York for the period of        years, the entire management and control of such child, and do hereby assign to and invest said corporation with the same powers and control over said child as those of which I am possessed.

Form of consent.

§ 3. Whenever any child, being in the custody of the said corporation, shall, by the commission of any crime or by confirmed evil habits, have become so degraded and debased as, in the opinion of the board of managers, to be an improper subject for the care and management of said corporation, the said corporation shall have the power to deliver such child into the custody of some

Children of confirmed evil habits to be delivered into custody of magistrates.

When  
board of  
managers  
to dis-  
charge  
children.

magistrate or other competent authority of the said city and county of New York, to be disposed of in due course of law. If at any time within three years after any child so found abandoned or deserted as aforesaid, shall have been entrusted to the custody of said corporation as above provided, it shall appear to the satisfaction of the board of managers, that such child was for any cause wrongfully or improvidently so entrusted, the said board shall thereupon, on the application of the parents or guardian of said child, discharge the said child and restore it to such parent or guardian. And in case at any time after such abandoned or deserted child shall have been entrusted to said corporation, it shall appear to the board of managers having due regard to the welfare of such child and the purpose of said corporation, expedient or proper to discharge such child, the said board of managers may in their discretion thereupon discharge such child and restore it to its parents, guardian or other protector on such reasonable terms and conditions as the said board may deem right and proper.

To cause  
children  
to be  
suitably  
instructed  
and bound  
out.

§ 4. The said corporation shall have the power, when the children in their care shall respectively attain a proper age, to place them at suitable employments, and cause them to be instructed in suitable branches of knowledge, and, at discretion, to bind out or indenture such children, when of suitable ages, as clerks, apprentices or servants, to some profession, trade or employment, for such time or period as they may deem proper, not exceeding, however, in the case of girls, to the age of eighteen, and in the case of boys, to the age of twenty-one years; provided, however, that in the case of children voluntarily entrusted to said corporation by their parents, guardians or nearest relatives, as hereinbefore provided, the said corporation shall not bind out or indenture any such child for a period beyond the time for which such children have been entrusted to said corporation.

To what  
age.

Proviso.

Inden-  
tures not  
to be  
assigned  
nor ser-  
vices of  
child  
hired out.

§ 5. No person, to whom any child shall have been bound to service under the provisions of this act, or his executors, administrators or assigns, shall assign or transfer the indenture or contract of service to any other person, nor let or hire out for any period the services

of such child, without the consent, in writing, of said corporation; and upon granting any such consent, the said corporation may prescribe and impose any terms and conditions they may deem reasonable and proper, and every such assignment, when duly made with consent as aforesaid, shall have the effect to transfer to and vest in the assignee all the rights of the original master; and such assignee shall be subject to all the duties and obligations of such original master.

§ 6. In case of the death of any master to whom any child shall have been bound to service under the provisions of this act, or in case of the death of the assignee of any such master, then such death shall have the effect to cancel and annul the indenture or contract of service; and thereupon the said corporation shall resume the charge and management of such child, and have the same power and authority with regard to it as before the indenture or contract of service was made.

Death of master to cancel indenture.

§ 7. If any master or assignee shall be guilty of any cruelty or misusage towards any child so bound out to service under the provisions of this act, or shall refuse or neglect to furnish and provide proper food and clothing to such child, or shall commit any other breach or violation of the terms of the indenture or contract of service under which such child is held, such child, or any person in its behalf, may make complaint thereof to the board of managers of the said corporation, or to a justice of the Supreme Court, or some justice of the peace of the county where such child is held to service, or to the mayor, recorder, or an alderman, or any other magistrate of any city where such child is so held to service, who shall thereupon summon the said master or assignee to appear before them or him, and shall examine into, hear and determine such complaint; and if, upon such hearing, the said complaint shall appear to be well founded, they or he shall, by certificate in writing, discharge such child from the obligation of service, and restore such child to the charge and custody of said corporation, and with the like powers as before the said indenture and contract of service was made, and the said master or assignee shall also be liable to

Proceedings in case of cruelty, etc., of master.

the said corporation in a civil action for the breach of the agreement.

Board of managers the guardian of children bound out.

§ 8. The board of managers of the said corporation shall be the guardian of every child bound out or held for service under the provisions of this act and shall see that the terms of the contract be faithfully performed by the master or assignee, and that such child is properly treated; and they shall inquire into the treatment of such child and redress any grievance in manner prescribed by law.

Master to report in writing once in six months.

§ 9. Every master or assignee to whom any child shall be bound or held to service under the provisions of this act, shall, at least once in every six months during such term of service, report in writing to the board of managers of the said corporation the conduct or behavior of such child, and whether such child is still living under the care of the person to whom such child was originally bound, and if not, where and with whom such child is living. And all indentures and contracts of service made under this act shall in terms provide for such report being made.

All damages recovered to be held in trust for child.

§ 10. All damages that may be recovered and received by said corporation of any master or assignee, for the breach or violation of the indenture or contract of service by which any child shall be bound out under the provisions of this act, after deducting therefrom the necessary expenses of recovering and collecting the same, shall be held by the said corporation in trust for, and paid over to said child; if a female, at the age of eighteen years, and if a male, at the age of twenty-one years; provided, however, that if such child shall die before attaining such age, the said damages shall revert and belong to the said corporation.

Corporation to receive compensation for certain children supported from commissioners of emigration.

§ 11. Whenever any child, properly chargeable upon the fund placed by law at the disposal of the commissioners of emigration, shall, agreeably to the provisions of this act, be entrusted to and supported and maintained by the said corporation, the said corporation shall be entitled to receive from the fund the sum of sixty, seventy-five, or one hundred dollars per annum (according to the ages of such children respectively), and proportionally for any portion of a year for every

such child; provided, however, that in no case shall the sum so to be received, exceed the lowest cost of the support and government of a child of a like age in any of the public institutions at present under the care of the commissioners of public charities and correction of said city and county of New York.

§ 12. In each and every year, after this act shall take effect, the board of supervisors of the city and county of New York shall levy and collect by tax, at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and pay over to the said corporation such a sum per week, for every infant under eighteen months of age, as the commissioners of charities and corrections shall certify to have been expended during the last previous fiscal year in the care and provision for the infants per week each, in the infant's hospital which is under the control of the said commissioners; and for every child over the age of eighteen months, such a sum per year, in monthly payments, as the said commissioners shall certify to have been expended as an average cost for maintenance and the hospital care of each child for a full year at the institution known as the nursery for children, on Randall's Island, in the last previous fiscal year, as shown and reported by the said commissioners. And the said commissioners shall so inform and certify upon the request of the managers of said asylum, on or before the fifteenth day of May in each year, and such certification shall be based upon the total expenditures charged and chargeable by the said commissioners against their said infant's hospital and their said nursery (according to the ages of the children continuing in the house), and proportionally for any fraction of a year for each and every child which, agreeable to the provisions of this act shall be entrusted to the care and custody of the said corporation from the city and county of New York, and shall be supported and maintained by them. It is further provided, that whenever a homeless or needy mother has received care and attendance in the lying-in wards of the said corporation which it is hereby authorized to have and maintain, the managers of said asylum shall be

Board of supervisors, of the city and county of N. Y., to levy annual tax and pay over to corporation such sum as commissioners of charities shall certify to have been expended for care of infants in hospital.

Amount to be paid for attendance, etc., in case of homeless and needy mothers.

entitled to receive and shall receive from the county treasury, as herein above provided, the sum of twenty-five dollars, for said care and obstetric attendance, and whenever any mother thus domiciled and attended at the birth of her child, and whenever any other homeless or needy mother with a nursing infant, resides at the asylum by request of its officers, and wet nurses her own infant, the managers of the said institution shall be entitled to receive such sums as are herein designated and provided in the manner hereinafter specified, viz.: for the necessary aid in maintenance of such nursing by mothers in said asylum and for the maintenance of such mothers, and to aid them to enter upon useful life under such guidance and pecuniary assistance by said managers, the sums which the said commissioners of public charities shall certify to be proper, and to be paid as hereinbefore provided, in monthly, quarterly or annual payments, as said board of managers may request.

§ 13. This act shall take effect immediately.

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## Chap. 636.

### AN ACT in relation to the incorporation of the village of Whitney's Point.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Bound-  
aries of  
village.

SECTION 1. The boundaries of the village of Whitney's Point, in Broome county, incorporated under an act entitled "An act for the incorporation of villages," passed April twenty, eighteen hundred and seventy, shall be as follows, namely: Beginning twelve feet east of a birch tree standing on the line of the town of Triangle and the town of Barker, in said county, near Randall Perkins' steam saw-mill, so called; thence east along the said town line thirty-five chains and ten links; thence north, fifty-eight degrees east, twenty-two chains and ninety-one links; thence north, twenty-one degrees and forty-five minutes west, sixty chains and fifty links; thence north, sixty-five degrees and fifteen minutes



west, fifty-three chains and eighteen links; thence south, sixty-nine degrees and ten minutes west, forty chains and fifty-three links; thence south, thirty-four degrees and fifty minutes west, fourteen chains and thirty-four links; thence south, twenty chains, thence south fifty-four degrees and thirty minutes east, seventy-six chains and fifty links to the place of beginning.

§ 2. The said village of Whitney's Point is hereby declared to have been legally incorporated with the above boundaries as of the time of the original incorporation, and the acts of the officers elected under it are hereby legalized and confirmed. Incorporation legalized.

§ 3. Nothing herein contained shall be construed so as to impair or in any way affect the right of any person, persons or corporation in any suit or legal proceeding now pending by or against said incorporation. Not to affect existing suits.

§ 4. This act shall take effect immediately.

## Chap. 637.

AN ACT to amend an act entitled "An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein; and to amend the charter of said city," passed April sixteenth, eighteen hundred and seventy.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of an act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein, and to amend the charter of said city, passed April sixteenth, eighteen hundred and seventy, is hereby amended so as to read as follows:

"§ 6. On the twenty-fifth day of May, eighteen hundred and seventy-one the four commissioners, elected and appointed as provided by this act, shall meet at the office of the city clerk in said city, at the hour of two o'clock in the afternoon of that day, and after having Police commissioners to meet and determine by lot classes to which

each shall belong.	determined by lot to which of the two classes each of them shall belong as hereinbefore provided, shall
Official designation.	organize themselves into a board to be known and designated as "the police commissioners of the city of Oswego," and who shall exercise the powers and fulfill the duties connected with and incident to the police government and discipline of said city, as hereinafter
Officers.	more especially provided for. They shall select from their own number one who shall be president of the board, and the clerk of the city of Oswego shall be secretary of the board. The secretary shall keep a record in due form of all the proceedings of the board, and perform the duties usually required in such cases.
Salary of secretary.	He shall be entitled to a salary for such services, to be fixed by the said board, not to exceed the sum of two hundred dollars a year, which shall be raised and paid in the manner provided for the payment of the policemen in this act. The president of the board shall hold his office at the pleasure of the board. Any vacancy in the number of such commissioners shall be filled by the board within one week of its occurrence, and the person appointed to fill the vacancy shall hold his office until the expiration of the term of office of him whose office he is appointed to fill. The commissioners may be removed for cause in the same manner as sheriffs are removed, but not otherwise."
Vacancies, how filled.	
Commissioners, how removed.	
	§ 2. Section eight of said act is hereby amended so as to read as follows:
Policemen to be appointed.	"§ 8. The board thus constituted shall appoint not less than twelve nor more than sixteen regular policemen who shall constitute the police of the city of Oswego, and who shall enter on the discharge of their duties on the first day of June, eighteen hundred and seventy. They may, when deemed necessary by them, appoint extra policemen not exceeding in number the regular policemen, who shall serve for such time as the police board shall deem necessary, not to exceed ten days; and who shall be entitled to receive a compensation of two dollars per day for their services to each one while in actual service, the expense of which shall be raised and paid in the manner provided for the payment of regular policemen in this act. The board may
Extra policemen.	
Compensation.	

also, in its discretion, at the request of any society holding public exhibitions in said city, or the proprietor or director of any other public exhibition in said city, or of the president or other officer of any railway in said city, appoint such number of special policemen, on the request of such president, proprietor or director as the board shall deem necessary. But the compensation of the special policemen in such cases shall be paid by the society or corporation or proprietor or director of the exhibition, on whose request the service shall be performed."

Special policemen.

§ 3. Section nine of said act is hereby amended so as to read as follows:

"§ 9. The regular policemen shall receive for their services such compensation as shall be fixed by the board, not exceeding in any case, except as hereinafter provided, sixty-five dollars per month. The board shall select from the policemen appointed by them one who shall be chief of police, whose duty it shall be, under the direction of the police board, to superintend the police department in said city, of which he shall be chief executive officer. He shall keep a record in a book of all cases and legal proceedings in his department, and of all services performed by him and the several policemen. He shall, at least once in every month, report to the board the state of his department and whether any member of his force is delinquent in his duties. The compensation of the chief of police shall not exceed ninety dollars per month. The board shall appoint a captain of the night watch, to be selected from the regular policemen appointed by them, who shall, under the direction of the chief of police, perform any services and exercise any control which the chief of police would in the management and operation of the department. The compensation of the captain of the night watch shall not exceed eighty dollars per month. The board may also select out of the number of regular policemen appointed by them, not to exceed four policemen, who shall constitute a detective police force, and who shall receive, in addition to their regular pay as hereinbefore provided for, a sum to be fixed by said board, not exceeding ten dollars per month each. The

Compensation of regular policemen.  
Chief of police.

Compensation.

Captain of night watch.

Compensation.

Detective force.

said detective force shall be under the direction of the chief of police, and as otherwise herein provided."

§ 4. Section fifteen of said act is hereby amended so as to read as follows:

Contingent expenses.

"§ 15. The contingent expenses of the police establishment, including, printing, advertising, books, policemen's badges and batons, shall be paid by the treasurer of the city of Oswego, on the warrant of the board of police commissioners. All warrants of said board must be authorized by a vote of the board, and signed by the president and secretary thereof."

§ 5. Section eighteen of said act is hereby amended so as to read as follows:

Station-houses, etc.

"§ 18. The common council of said city shall provide and keep in order such station-houses, lock-ups, and other necessary accommodations as shall be required for the use of the police force, including office furniture, expense of janitor's services, fuel, lights and stationery, and shall provide and maintain one police station on each side of the Oswego river in said city of Oswego."

§ 6. Section nineteen of said act is hereby amended so as to read as follows:

Powers of chief of police and captain of night watch.

"§ 19. The chief of police and captain of the night watch shall possess all the powers provided for and vested in the chief of police in section four of title eight of an act of the Legislature of the State of New York, entitled "An act to revise the charter of the city of Oswego," passed April sixteenth, eighteen hundred and sixty; and the chief of police, captain of the night watch and policemen shall possess all the powers and perform all the duties required by the provisions of section one of said title eight of said act; and no policemen shall be entitled to any fees, costs or perquisites of any kind for any services in civil proceedings in which the city of Oswego is a party or is concerned, or in any proceedings against any person or corporation for the violation of any of the ordinances of said city, whether such proceedings are of a civil or a criminal character; and the recorder of said city shall not be entitled to any costs, fees, perquisites or fines, or any portion thereof, which may be imposed, paid or collected in any proceeding, criminal or civil, in behalf of said

Policemen not to receive fees.

city or otherwise for the violation of any city ordinance or the violation of any law, or in any proceeding, civil or criminal, in which said city is or may be a party or beneficially interested; and all acts and parts of acts, so far as they give any such costs, fees, fines or perquisites to said policemen or recorder, are hereby repealed. The chief of police shall receive all fines, costs, judgments, penalties and damages adjudged to be paid or imposed by the recorder in any suit, proceeding or cause, civil or criminal, had or prosecuted before the said recorder, and shall pay the same to the city treasurer at the end of every month. And the chief of police shall, within ten days after the passage of this act, execute a bond to the city of Oswego, with two sufficient sureties in the penal sum of two thousand dollars, to be approved by the mayor, conditioned that said chief of police will, at the end of every month, pay over to the city treasurer all moneys received by him by virtue of the provisions of this act, and render a just and true account thereof to the city treasurer."

Chief of police to receive fines, etc., and pay same to city treasurer.

Chief of police to give bond to city.

§ 7. Section twenty of said act is hereby amended so as to read as follows:

"§ 20. The said board of police commissioners may, on the request of any resident of the city of Oswego, appoint such number of special policemen as they may deem necessary, and the said special policemen shall be authorized to make arrests in the same cases as other policemen of said city, but shall not be entitled to any compensation from the city for their services. Such special policemen shall be under the control of the police commissioners of the city, and shall be liable to be removed by said police commissioners at any time in their discretion."

Special policemen to be appointed on request of residents of city.

§ 8. Section twenty-one of said act is hereby amended so as to read as follows:

"§ 21. Subdivision three of section two of title five of an act entitled "An act to revise the charter of the city of Oswego," passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof and supplemental thereto, are hereby amended so as to read as follows:

Police  
fund.

3. Police fund, a sum not exceeding fourteen thousand dollars for the support of the police department of said city, according to the provision of this act."

Sections  
three and  
eight not  
to take  
effect till  
submitted  
to tax-  
payers at  
special  
election.

§ 9. The preceding sections, three and eight shall not take effect until they shall have been submitted to the tax-payers of the city of Oswego, qualified to vote at a special election as provided by the charter of said city; such election shall be held on the first Tuesday in June, eighteen hundred and seventy-two, and the common council of said city shall designate the place for holding such election, and notice thereof shall be published by the city clerk in all the daily newspapers published in said city, at least ten days previous to such election. The inspectors of election, chosen at the last charter election in the ward where said election is appointed to be held by the common council shall preside at such election and provide a box in which each elector qualified to vote as aforesaid, may deposit a ballot, on which shall be written or printed the words "For increasing pay of police," or the words "Against increasing pay of police." Those ballots on which shall be written or printed the words "For increasing pay of police," shall be deemed to approve said sections, and those ballots upon which shall be written or printed the words "Against increasing pay of police," shall be deemed as not approving said sections. The said box shall be kept open for the reception of votes from eight o'clock in the morning until five o'clock in the afternoon on the day of election, and the inspectors of election presiding as aforesaid shall canvass the votes deposited in said box in the same manner as is now required by law in the election of charter officers by ballot, and within two days after such canvass shall certify any return to the clerk of the common council of said city the number of votes taken, designating how many were "For increasing pay of police," and how many were "Against increasing pay of police." The mayor and clerk of the common council of said city shall thereupon immediately proceed to canvass the votes thus certified and returned, and shall make and file in the office of the clerk of the common council their certificate that the said sections are approved or not, as the case may be, by

Form of  
ballot.

Polls to  
be open  
from 8 A.  
M. to 5 P.  
M.

Canvass.

the votes of a majority of the tax-payers of said city voting at such section. Said election shall be published in the daily papers in the city of Oswego for five days previous to said election.

§ 10. If the said sections three and eight shall be approved by a majority of the electors of said city, voting at such election as above prescribed, then the same shall take effect immediately after the filing of the certificate of such approval with the clerk of the said common council.

§ 11. This act shall take effect immediately.

## Chap. 638.

**AN ACT** to amend an act entitled "An act to authorize the board of trustees of the town of Morrisania, to lay out and open One Hundred and Fifty-sixth street, from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester," passed April thirteenth, eighteen hundred and seventy-one.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section one of an act entitled "An act to authorize the board of trustees of the town of Morrisania, to lay out and open One Hundred and Fifty-sixth street, from St. Ann's avenue to Third Avenue in the town of Morrisania, county of Westchester," passed April thirteenth, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 1. The board of trustees of the town of Morrisania are hereby authorized to lay out and open One Hundred and Fifty-sixth street, as laid down upon a certain map made by or under the direction of Gouverneur Morris, and others, commissioners appointed by an act of the Legislature of this State, entitled "An act for the laying out, opening and closing streets, roads and avenues in the town of Morrisania, in the county of Westchester," passed May nineteenth, eighteen hundred

Board of  
trustees to  
lay out  
and open  
156th  
street.

To widen  
the same  
from  
Third  
avenue to  
lands of  
H. P. De-  
graaf.

and sixty-eight, on file in the offices of the register of the county of Westchester, and of the town clerk of the town of Morrisania, or any portion thereof, and are also authorized to widen said street as so laid out, from Third avenue, formerly Boston road, to the lands of Henry P. Degraaf, and through said lands, with the consent of the owner thereof, by adding thereto ten feet on the southerly side thereof.

§ 2. Section two of the said act is hereby amended by adding at the end thereof the following words: "The said board of trustees shall have power to take proceedings for the grading of said street, while proceedings for the opening of the same shall be pending."

§ 3. This act shall take effect immediately.

## Chap. 639.

AN ACT to amend an act entitled "An act to provide for the drainage of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto," passed May second, eighteen hundred and seventy-one.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to provide for the drainage of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto," passed May second, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Any resi-  
dent of  
White  
Plains  
may pre-  
sent peti-  
tion to  
county  
judge for  
drainage  
of lands.

§ 1. Any person or persons residing in the village of White Plains, who shall deem it necessary for the public health that any swamp, bog or other low or wet lands in said village or adjacent thereto should be drained, may present a petition duly verified, to the county judge of the county of Westchester, or to a justice of the Supreme Court residing in the second judicial district, setting forth the facts and the names of



the owners of the lands to be affected by the proceedings, so far as they can ascertained, and the estimated cost and expense of such drainage; and praying for the appointment of three commissioners for the purposes hereinafter mentioned.

What petition must contain.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. The officer to whom such application shall be made shall thereupon, in case the estimated cost and expense of such drainage shall not exceed the sum of twenty thousand dollars, appoint three persons, who shall be freeholders of the county of Westchester, and who shall not be interested in the said lands, nor in any of them, to hear and determine whether it is necessary for the public health that such lands shall be drained, and to take such other and further steps in relation thereto as are hereafter provided for.

Proceedings on presentation of petition.

§ 3. Section eight of said act is hereby amended so as to read as follows:

§ 8. The said commissioners shall, as soon as practicable, ascertain and determine the costs, expenses and land damages of such drainage, and make a complete and detailed statement thereof, which statement shall be duly verified by them, or a majority of them; they shall also determine how much of said sum shall be assessed upon and paid by the owners of the lands to be benefited by such drainage, and shall apportion the same among the several owners or occupants of such lands as they shall deem benefited by said drainage in proportion to the amount of benefit which each shall receive therefrom, and the several amounts so adjudged shall constitute liens upon the respective tracts of land until paid or otherwise removed. The said commissioners shall also determine how much of such costs, expenses and land drainage shall be paid by the town or towns in which the land drained may be situated.

Commissioners to ascertain costs and expenses and make statement, etc.

§ 4. Section nine of said act is hereby amended so as to read as follows:

§ 9. The commissioners shall file in the office of the clerk of the county of Westchester, a copy of said statement and of said determinations, certified by them. Any person deeming himself aggrieved may appeal from

To file a copy of statement.

Appeal,  
how  
taken.

the decision of said commissioners to the county court of the county of Westchester for the correction of such assessment, provided he serve upon the chairman of the said commissioners notice of such appeal, within ten days after the said statement and determinations shall have been filed as aforesaid, which notice shall state the time and place when and where such appeal will be heard, and wherein said statement and determinations should be corrected. The said court shall thereupon proceed and without delay, hear and determine, and by order confirm the said statement and determinations, or correct the same as may be just.

Proceed-  
ings on  
appeal.

§ 5. Section eleven of said act is hereby amended so as to read as follows:

Commis-  
sioners to  
levy and  
collect  
assess-  
ment.

§ 11. The said commissioners shall, within thirty days after filing such statement, in case the same is not appealed from within thirty days after the final determination of the appeal, in case there has been an appeal, levy the assessment herein provided for, and proceed and collect the same as hereinafter provided. The means necessary to pay the expense of the drainage required by this act shall be raised by the issue of town bonds, which shall be a charge upon and paid by the towns in which such drained lands may be, but such towns shall only be required to pay so much of said expenses as shall have been apportioned thereon as above provided. Such bonds shall be issued, from time to time, as required, on the requisition of the said commissioners, by the supervisors of the respective towns, who shall keep a record of the same. The said bonds shall bear interest at a rate not to exceed seven per cent. per annum, and shall not be issued for a less sum than one hundred dollars, and shall not have over ten years to run. The said commissioners shall receive said bonds, convert them into money at not less than par, and expend the proceeds in draining such lands. It shall be the duty of the board of supervisors of the county of Westchester, to levy and assess upon the taxable property in the respective towns in which such drained lands may be, annually, a sum sufficient to pay said bonds and the interest thereon as the same may become due and payable.

Town  
bonds to  
be issued  
to pay  
expense.

When  
to be  
issued.

Rate of  
interest.

Bonds,  
how ex-  
pended.

Tax to  
pay bonds  
and  
interest.

## Chap. 640.

AN ACT to amend the charter of the Lutheran Cemetery at Middle Village, Long Island.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Lutheran Cemetery, at Middle Village, Long Island, may take by grant, gift or devise, and hold and lay out for cemetery purposes, not exceeding two hundred acres of land adjoining and contiguous to their present cemetery, in addition to the lands which said corporation are now authorized by law to hold.

Corporation may take and hold lands for cemetery purposes.

§ 2. If at any election for trustees of said Lutheran Cemetery one-tenth in number of the lot proprietors shall not in person or by proxy vote thereat, then the trustees to be chosen shall be elected and chosen by the existing trustees or a majority of them, from among the lot proprietors of said corporation owning lots in their cemetery.

Trustees, how chosen.

§ 3. The cemetery lands of said Lutheran Cemetery shall be exempt from all public taxes, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietors, but the proprietors of lots in said cemetery, their heirs or devisees, may hold the same exempt therefrom so long as the same shall remain dedicated to the purposes of a cemetery.

Exempt from public taxes.

## Chap. 641.

AN ACT to incorporate the Auburn City Hospital.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Theodore M. Pomeroy, David M. Osborne, J. Lewis Grant, Charles N. Ross, William H. Seward,

Corporators.

Jr., Michael S. Myers, Oscar F. Knapp, Josiah N. Starin, Benjamin F. Hall, Josiah Barber, Alonzo G. Beardsley, Cary S. Burtis, William B. Woodin, John N. Knapp, Charles P. Wood, Emerson D. Clapp, John K. Tallman, Benjamin B. Snow, Lewis Paddock, David H. Schoonmaker, Byron C. Smith, Henry V. Quick, Adam Miller, Nathan S. Coe, Charles Standart, Edward H. Townsend, Paul C. Woodruff, Charles G. Briggs, and George W. Elliot, and such persons as may hereafter be associated with them in the manner prescribed by the by-laws of such corporation, are hereby declared to be and constituted a body corporate and politic by the name of "The Auburn City Hospital," and by that name they may sue and be sued in the courts the same as natural persons, and shall possess all the powers and be subject to all the liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes, and shall be capable of purchasing and taking by gift or devise, and of holding real and personal estate and property, for the uses and purposes of said corporation, to the amount of one hundred thousand dollars, but not for any other purpose or purposes than those for which the corporation is created.

Corporate  
name and  
powers.

Objects  
and pur-  
poses.

§ 2. The objects of this corporation are to establish and maintain, in the city of Auburn, in the county of Cayuga, a hospital for the sick, wherein such persons as need it, may receive all necessary care and suitable medical and surgical treatment.

Managers  
to be  
elected.

§ 3. The members of this corporation at their first and at any regular annual meeting thereafter, at a time and place in the city of Auburn, to be fixed by their by-laws, shall elect from their own number by ballot, nine managers of said hospital, who shall hold such office for one year thereafter, or until others shall be elected in their places.

Officers.

§ 4. The managers so elected shall organize themselves as a board of managers by electing from their number a president, vice-president, secretary and treasurer, who shall hold such offices for one year thereafter, and until successors shall have been duly elected to fill their places.

§ 5. The board of managers shall have power to transact the business of said corporation; to fill any vacancies which may occur in their board until the next annual meeting; to appoint all necessary physicians, surgeons, assistants, stewards, janitors, nurses and servants for said hospital, and to fix their compensations or salaries, and to discharge them whenever they shall deem it expedient to do so; to make all needful by-laws, rules and regulations for the government of their proceedings, for the admission of new members, and the management of the hospital; and to fix the terms for board and care, and for medical and surgical treatment, upon which all patients who are able to pay therefor shall be entitled to be admitted thereto.

Powers of managers.

§ 6. Five managers besides the president or vice-president, with the president or vice-president, shall constitute a quorum for the transaction of business, provided all the managers shall have been duly notified to attend the meeting.

Quorum.

§ 7. The real and personal property of said corporation shall stand upon the same footing in respect to supervision and inspection, as other public charities in the city of Auburn, and shall be exempt from taxation.

Property exempt from taxation.

§ 8. This act shall take effect immediately.

## Chap. 642.

**AN ACT** to open and extend South Eleventh street in the city of Brooklyn, from its present termination to Third street.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** South Eleventh street, in the city of Brooklyn, is hereby laid out and continued as follows, namely: The northerly line of said South Eleventh street, as laid down on the commissioners' map of the city of Brooklyn, is hereby continued in a direct line from its present termination easterly to Third street; and the southerly line of said South Eleventh street is also hereby continued

Description and route of South Eleventh street.

from its present termination easterly, in a direct line to said Third street, and sixty feet distant from the first described line; so that when opened, said South Eleventh street shall be sixty feet in width throughout its whole length.

Commissioners to estimate cost and expense of opening streets.

Assessment district.

Certain existing laws to apply.

§ 2. The attorney and counsel of the city of Brooklyn shall apply to the Supreme Court at any special term thereof to be held in and for the second judicial district, for the appointment of three persons as commissioners, to estimate the cost and expense of opening and extending said street; which cost and expense shall be assessed upon a district of assessment included within two lines drawn parallel with South Eleventh street, and extending from Third street to the East river; one of which lines shall be drawn one hundred feet south, from the southerly side of South Eleventh street, and the other of which lines shall be drawn one hundred feet north from the northerly side of South Eleventh street. And all laws now in force in relation to opening, widening and extending streets in the city of Brooklyn, and not inconsistent herewith, shall apply to proceedings for opening South Eleventh street, as hereby extended, except such parts thereof as require a petition or consent, or such parts thereof as provide for a remonstrance, of the owners of land on the line of the improvement, or within the district of assessment.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

## Chap. 643.

**AN ACT** to empower the levying of a tax on Union school district number one in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers' wages.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Jared Parker, of the town of Clarence, in the county of Erie, having agreed with the taxable inhabitants of the school district in said town known as "the Union free school district number one," and with the board of education thereof, that he will donate to said district, upon condition of the passage of this act and the carrying into effect of the same, the sum of fifteen thousand dollars, in good bonds and mortgages, the board of education of said district shall receive said bonds and mortgages, and they shall levy and collect a tax upon said district for the sum of fifteen thousand dollars, in ten equal annual installments of fifteen hundred dollars each. With the first installment there shall be collected one year's interest on the whole amount, and with each succeeding installment the interest on the amount remaining untaxed for and uncollected of the said sum of fifteen thousand dollars, until the whole of said sum shall have been provided for. The sum of thirty thousand dollars, so donated by said Jared Parker and levied and collected by taxation, shall constitute a permanent fund for the objects and purposes specified for in this act, and for no other, and shall so remain forever.

§ 2. The tax list for the first installment herein provided for shall be issued in the month of April, in the

Trustees to receive donation of Jared Parker and proceed to levy tax of \$15,000 in installments.

Interest to be collected with installments.

Permanent fund.

Tax list for first installment.

Interest on permanent fund, how applied.

year one thousand eight hundred and seventy-three. The interest of the said permanent fund, or so much thereof as may be necessary, shall be devoted annually to the payment of teachers, and shall be apportioned and applied with the exclusive view to the obtaining for the schools of the district the best attainable teachers, and the balance, if any, shall be appropriated by said board of education in such manner as they shall deem for the best interest and benefit of said school.

Loan commissioner for district, how elected.

§ 3. As soon as may be after the passage of this act, a special meeting shall be called in said district, in the manner provided for and prescribed for calling annual meetings in such district, at which meeting a loan commissioner for said district shall be elected, whose term of office shall be for three years from the next annual meeting of said district, and at the end of such term and every three years thereafter there shall be elected, at the annual meeting of such district, a loan commissioner, whose term of office shall be for three years, and until his successor shall be elected and qualified.

Vacancy, how filled.

Commissioner to take official oath and give bond with sureties.

In case of a vacancy in such office, the board of aldermen shall fill such vacancy by appointment until the next annual meeting of the district, or until the election or qualification of a successor. Said loan commissioner, before entering upon the duties of his office, shall take and file with the board of education the oath of office prescribed by the Constitution of this State, and shall execute and deliver to such board his bond, with sureties in the penal sum of five thousand dollars, conditioned for the full and faithful discharge of the duties of said office, which bond shall be made satisfactory to said board. Should the person so elected or appointed fail or neglect to appear and qualify within thirty days from the time of such election or appointment, such failure or neglect shall be deemed a final declension of the office. Said loan commissioner may be removed from office for official misconduct or neglect of duty by the county judge of Erie county; but no removal shall be made unless said commissioner shall have been served with a copy of the charges, and have had an opportunity to be heard.

How removed from office.



§ 4. The loan commissioner, with the advice and consent of the board of education of said district, shall invest and keep invested the whole of the said fund, and shall receive and immediately pay over to the treasurer of said district all moneys received for interest on said fund, and if interest can be obtained therefor for the district, the said treasurer shall deposit the same in some savings bank, or the same shall be loaned on call, as the board of education shall direct. The moneys belonging to said fund shall be kept invested by the loan commissioner in good bonds and mortgages on real estate in fee according to rules to be laid down and made by the board of education, and he shall have power to demand and receive, and to sue for and recover, the said moneys as directed by the said board. In the investment of said fund, other things being equal, preference shall be given to borrowers residing in or near said district. For the purpose of satisfying or assigning any such bonds and mortgages belonging to such fund, as may be, from time to time, required, such satisfaction or assignment shall be signed and acknowledged by the president of the board of education and the loan commissioner, and when so signed and acknowledged it shall be proof that such bond and mortgage is duly satisfied or assigned.

Loan commissioner to invest fund and pay interest to treasurer of district.

Treasurer to deposit same.

Money to be invested in bonds and mortgages.

Bonds and mortgages, how satisfied and assigned.

§ 5. In case the fund hereby created shall at any time become lost or impaired, the said board shall have power, and it shall be their duty, to levy and collect a tax upon the property of said district, to supply any deficiency that may arise from such loss or impairment until such loss or impairment is fully reimbursed; but there shall not be levied and collected in any one year in said district a sum exceeding two thousand dollars for this purpose; such sum or sums so collected shall be invested for the purposes of said fund as herein provided.

In case the fund is impaired, deficiency to be raised by tax.

§ 6. The loan commissioner shall receive an annual salary to be fixed by the board of education, such salary shall not exceed fifty dollars a year for his services, besides the necessary expenses and disbursements of his office. The treasurer shall also receive a salary not exceeding fifty dollars per year, to be fixed

Salary of loan commissioner.

To widen  
the same  
from  
Third  
avenue to  
lands of  
H. P. De-  
graaf.

and sixty-eight, on file in the offices of the register of the county of Westchester, and of the town clerk of the town of Morrisania, or any portion thereof, and are also authorized to widen said street as so laid out, from Third avenue, formerly Boston road, to the lands of Henry P. Degraaf, and through said lands, with the consent of the owner thereof, by adding thereto ten feet on the southerly side thereof.

§ 2. Section two of the said act is hereby amended by adding at the end thereof the following words: "The said board of trustees shall have power to take proceedings for the grading of said street, while proceedings for the opening of the same shall be pending."

§ 3. This act shall take effect immediately.

## Chap. 639.

AN ACT to amend an act entitled "An act to provide for the drainage of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto," passed May second, eighteen hundred and seventy-one.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to provide for the drainage of the swamp, bog and other low and wet lands in the village of White Plains and adjacent thereto," passed May second, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Any resi-  
dent of  
White  
Plains  
may pre-  
sent peti-  
tion to  
county  
judge for  
drainage  
of lands.

§ 1. Any person or persons residing in the village of White Plains, who shall deem it necessary for the public health that any swamp, bog or other low or wet lands in said village or adjacent thereto should be drained, may present a petition duly verified, to the county judge of the county of Westchester, or to a justice of the Supreme Court residing in the second judicial district, setting forth the facts and the names of

the owners of the lands to be affected by the proceedings, so far as they can ascertained, and the estimated cost and expense of such drainage; and praying for the appointment of three commissioners for the purposes hereinafter mentioned.

What petition must contain.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. The officer to whom such application shall be made shall thereupon, in case the estimated cost and expense of such drainage shall not exceed the sum of twenty thousand dollars, appoint three persons, who shall be freeholders of the county of Westchester, and who shall not be interested in the said lands, nor in any of them, to hear and determine whether it is necessary for the public health that such lands shall be drained, and to take such other and further steps in relation thereto as are hereafter provided for.

Proceedings on presentation of petition.

§ 3. Section eight of said act is hereby amended so as to read as follows:

§ 8. The said commissioners shall, as soon as practicable, ascertain and determine the costs, expenses and land damages of such drainage, and make a complete and detailed statement thereof, which statement shall be duly verified by them, or a majority of them; they shall also determine how much of said sum shall be assessed upon and paid by the owners of the lands to be benefited by such drainage, and shall apportion the same among the several owners or occupants of such lands as they shall deem benefited by said drainage in proportion to the amount of benefit which each shall receive therefrom, and the several amounts so adjudged shall constitute liens upon the respective tracts of land until paid or otherwise removed. The said commissioners shall also determine how much of such costs, expenses and land drainage shall be paid by the town or towns in which the land drained may be situated.

Commissioners to ascertain costs and expenses and make statement, etc.

§ 4. Section nine of said act is hereby amended so as to read as follows:

§ 9. The commissioners shall file in the office of the clerk of the county of Westchester, a copy of said statement and of said determinations, certified by them. Any person deeming himself aggrieved may appeal from

To file a copy of statement.

eight, of deeds. Also in all that other piece of land situate in Boston, aforesaid, which was conveyed by Benjamin F. Kester and Amanda his wife, to said Robert Mann, by deed dated the seventeenth day of June, one thousand eight hundred and sixty-five, recorded in the Erie county clerk's office the twenty-seventh day of March, one thousand eight hundred and sixty-seven, in liber two hundred and sixty-seven of deeds, at page one hundred and ninety, is hereby released to and vested in Sarah Mann, who is the widow of said Robert Mann, deceased, and to her heirs and assigns forever, subject to any incumbrance that may be upon said lands at the date of this act; and the said Sarah Mann is hereby authorized and empowered to take, hold and convey the same in the same manner and with the like effect as the people of this State could do.

Not to  
impair  
vested  
rights.

§ 2. This act shall in no wise affect the claims of any creditors, or of any person claiming as heir, devisee or representative of said Robert Mann, deceased.

§ 3. This act shall take effect immediately.

## Chap. 646.

### AN ACT to incorporate The Port Richmond Savings Bank.

Passed May 11, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

SECTION 1. George W. Jewett, John Steers, James B. Polloch, Joseph H. Heal, Charles M. Pine, Henry Miller, Jr., Corneilus C. Jones, Bartlett Brown, John H. Matthius, Alfred De Groat, William A. Ross, John H. Van Clief, John Rathyn, Cyrus J. Good, John W. Barnes, Washington Hawes and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of "The Port Richmond Savings Bank," at Port Richmond, Richmond county, and by that name shall have perpetual succession, and may sue and be sued in any of the courts of this State.

Corporate name.

First trustees.

§ 2. The persons named in the first section of this act shall be the first trustees of the said corporation, and

all vacancies in the office of trustee shall be filled by the board, by ballot, without unnecessary delay, and the vote of a majority of the remaining members of the board shall be necessary to elect a trustee.

§ 3. The business of the said corporation shall be managed and directed by said board of trustees, who shall elect from their number a president and two vice-presidents, and may elect from their number, or otherwise, such other officers as they may deem expedient; and the vote of a majority of a full board of trustees shall be requisite for the appointment of any officer receiving a salary therefrom, or to fix or to increase the salary of any officer; but such majority shall be composed exclusive of any trustees receiving any salary or compensation for services as officers of said corporation.

Business  
to be  
managed  
by trust-  
ees.  
Officers.

§ 4. No trustee shall, as such, directly or indirectly, receive any pay or emolument for his services, and no trustee, officer or servant of said corporation shall, directly or indirectly, for himself or as the agent or partner of others, borrow any of the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to make necessary current payments, or to make investments, or to deposit for safety, under the direction and by authority of the board of trustees; nor shall any trustee, officer or servant of said corporation be an indorser or surety, or in any manner be an obligor for moneys loaned by or borrowed of the said corporation.

Trustees  
not to  
receive  
compen-  
sation nor  
borrow  
funds of  
corpora-  
tion.

§ 5. A quorum of said board of trustees shall consist of not less than five, of whom the president or one of the vice-presidents shall be one; and it shall be lawful for the trustees in their by-laws to provide for a larger quorum; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Quorum.

§ 6. A regular meeting of the board of trustees shall be held once in each month, to receive the reports of their officers, and transact such other business as may be necessary; and the trustees may, in their by-laws, provide for calling special meetings; and any trustee omitting to attend the regular meetings of the board for six months, unless previously excused by a vote of the board, shall thereby vacate his office as trustee, but may,

Meetings.

in the discretion of the board, be eligible to a re-election.

By-laws,  
etc.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make such by-laws, rules and regulations as they may think proper for the election of officers, for prescribing their respective powers and duties and the manner of discharging the same, for the appointment and duties of committees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act, the Constitution and laws of this State, or of the United States.

General  
business  
and  
object.

§ 8. The general business and object of the corporation hereby created shall be to receive on deposit any sum or sums of money, not exceeding five thousand dollars from any one depositor, that may be offered for that purpose, by any person or persons, or by any religious or charitable corporations or societies, and to invest the same, and declare, credit and pay dividends or interest thereon, as hereinafter authorized and not otherwise; and all certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as effectual to bind the corporation as if executed under the common seal thereof.

Deposits  
to be  
invested.

§ 9. It shall be lawful for the trustees of the corporation to invest the moneys deposited with them, and the gains of profits thereof, only as follows, to wit:

In U. S.  
bonds and  
stocks.

1. In the stocks or bonds, or interest-bearing notes or certificates of the United States.

In State  
bonds and  
stocks.

2. In the stocks or bonds, or evidences of debt bearing interest of this State.

In town or  
city bonds  
and  
stocks.

3. In the stocks or bonds of any city, county, town or village of this State, issued pursuant to the authority of any law of this State; but not exceeding ten per cent. of the assets of the corporation shall consist of town or village bonds.

In bonds  
and mort-  
gages.

4. In bonds and mortgages on improved, unincumbered and productive real estate, situate in this State, worth at least twice the amount loaned thereon; but not to exceed forty per cent. of the assets of the corporation shall consist of such bonds and mortgages.

5. It shall be lawful for the corporation to purchase, hold and convey real estate only as follows: 1. A lot and banking-house requisite for the transaction of its business, and for an income from such portions of the same as are not required for its own use. 2. Such as shall have been mortgaged to it in good faith for money loaned. 3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money loaned; and all such real estate as is described in the last two preceding preceding clauses shall be sold by the trustees within five years after the same shall be vested in the corporation, unless, upon application by the trustees, the Superintendent of the Banking Department shall extend the time within which such sale shall be made.

What real estate corporation may hold

§ 10. In all cases of loans upon real estate, a sufficient bond, or other personal security, shall be required of the borrower, and all the expenses of searches, examinations, and certificates of title or appraisals of value and of drawing, perfecting and recording papers, shall be paid by such borrower.

Personal security in case of loans on real estate.

§ 11. Whenever buildings are included in the valuation of any real estate, upon which a loan shall be made by said corporation, they shall be insured by the mortgagor for at least two-thirds their value, in such company of this State as the trustees shall direct, and the policy of insurance shall be duly assigned to the corporation; and it shall be lawful for said corporation to renew such policy of insurance, in the same or in any other company of this State, as they may elect from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and may charge the same to him. And all the necessary charges and expenses paid by said corporation, for such renewal or renewals, shall be paid by such mortgagor to the said corporation, and shall be a lien upon the property so mortgaged until paid.

Buildings on mortgaged property to be insured by borrower.

§ 12. It shall be unlawful for the said corporation, directly or indirectly, to deal or trade in real estate in any other case, or for any other purpose than as authorized in the ninth section of this act, or to deal or trade in any goods, wares, merchandise or commodities what-

Corporation not to deal in goods, wares and merchandise.

ever, except as authorized by the provisions of this act, and except such personal property as may be necessary in the transaction of the business.

Tempo-  
rary  
loans.

§ 13. It shall be lawful for the trustees of the corporation, while awaiting opportunity for the judicious investment of the moneys deposited with them as authorized and required by this act, to loan the same, or any part thereof, upon the securities mentioned in section nine of this act, but not exceeding ninety per cent. of the cash market value of such securities shall be loaned thereon; and should any securities depreciate in value after making a loan thereon, it shall be the duty of the trustees to require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed ninety per cent. of the market value of the securities pledged therefor.

Available  
fund.

§ 14. It shall be the duty of the trustees of said corporation, as soon as practicable, to invest the moneys deposited with them, and the gains or profits thereof, in the securities named in the ninth section of this act, except an available fund of not exceeding twenty per cent. of the deposits with said corporation, which the trustees may keep to meet current payments, and which may by them be kept on deposit in any bank or banking association organized under any law or laws of this State or of the United States, or with any trust company, incorporated by any law of this State, upon such terms as may be agreed upon; but the sum so kept on deposit in any one bank or trust company shall not exceed twenty per cent. of the capital of such bank or trust company, and shall not exceed twenty-five thousand dollars, or ten per cent. of the whole amount of deposits with this said corporation; or such available fund, or any part thereof, may be loaned by the trustees on call, or on notice not exceeding ten days, upon the securities, and in the manner provided in the last preceding section of this act.

Amount  
limited.

Regula-  
tions as to  
payments  
to deposit-  
ors.

§ 15. The sums deposited with the said corporation shall be repaid to the depositors thereof, or their legal representatives, at such times and with such interest, and under such regulations as the board of trustees shall



from time to time prescribe, which regulations shall be put and kept up in some conspicuous place in the room where the business of the corporation shall be transacted, and shall also be printed in the pass-book of each depositor, but shall not be altered so as to affect any deposit previously made.

§ 16. Whenever any deposit shall be made by any person being an alien or minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be repaid, together with the dividends or interest thereon, to the person making the deposit, and the receipt or acquittance of such alien, minor or female shall be a valid and sufficient release and discharge for such deposit to the corporation.

Deposits  
by minors,  
aliens and  
married  
women.

§ 17. In all actions in any court of this State, against the said corporation, by a husband to recover for moneys deposited by his wife in her own name, or as her own money, the wife may be examined and testify as a witness in like manner as if she were an unmarried woman. And in all actions against the said corporation to recover for moneys on deposit therewith, if there be any person or persons, whether husband or wife, or otherwise, claiming the same fund, who are not parties to the action, the court in which such action is pending shall, on the petition of said corporation, and upon five days' notice to the plaintiff and such claimants, make an order amending the proceedings in said action, by making such claimants parties defendant thereto; and the said court shall thereupon proceed to hear and determine the rights and interests of the several parties to said action in and to said funds. The said funds or deposits which are the subject of the said action shall remain with said corporation at the same rate of interest as other deposits of the same class, to the credit of the action until final judgment therein, and the same shall be paid by said corporation in accordance with the provisions of said final judgment. The question of costs in the actions referred to in this section shall, in all cases, be in the discretion of the court, but the amount, when

When  
married  
women  
may  
testify.

Adverse  
claimants  
to be  
made  
parties.

Costs to  
be in dis-  
cretion of  
the court.

allowed, shall be the same as in other actions of a similar character.

Rate of  
interest.

§ 18. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors in such manner that they shall receive, as nearly as may be, all the profits of the said corporation, after deducting necessary expenses, and reserving such amount as the trustees may deem expedient or desirable as a surplus fund, which, to the amount of ten per cent. of their deposits, the trustees of said corporation are hereby authorized gradually to accumulate and hold, to meet any contingency or loss in its business; provided, however, that it shall be lawful for the trustees to classify their depositors according to the extent or duration or character of their dealings with the said corporation, and to regulate the rate of interest in such manner that each depositor shall receive a ratable proportion of interest with all others of the same class.

To report  
to Super-  
intendent  
of the  
Bank De-  
partment.

§ 19. The said corporation shall, every year, make reports to the Superintendent of the Bank Department, as required by law, and in such form as he shall prescribe, and the books of the said corporation shall, at all times during business hours, be open to the inspection of the Superintendent of the Bank Department, or of such other person as the superintendent or the Legislature may appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation, such sum as the Superintendent of the Bank Department shall certify to be just and reasonable.

Supreme  
Court may  
appoint  
examiner.

§ 20. The Supreme Court may at any time, on the application of any trustee or depositor in said savings institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments of said savings institution, and its affairs and business generally. The books, papers and business of said savings institution shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so

Books,  
etc., to be  
open to  
inspection  
of ex-  
aminer.

appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigations to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Examiner  
to report  
result of  
exami-  
nation.

§ 21. The misnomer of said corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

Misnomer.

§ 22. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed or altered or amended at any time hereafter.

General  
powers.

§ 23. This act shall take effect immediately.

## Chap. 647.

AN ACT to incorporate "The Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church."

Passed May 11, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Rev. J. E. Searles, Wm. M. Little, Hon. G. G. Reynolds, Philip Wick, Rev. L. S. Weed, Chester Bedell, Geo. N. Shaffer, John French, Rev. C. E. Harris, Hon. Samuel Booth, John A. Monsell, Edwin Beers, J. E. Searles, Jr., C. P. Armstrong, Rev. G. A. Hubbell, Rev. W. T. Hill, James H. Watson, Rev. M. L. Scudder, R. Resseguie, Robert M. Whiting, Jr., Foster Pettit, D. E. Smith, Hon. Richard Kelley, John M. Crane, and

Corpor-  
ators.

Corporate  
name.

Grounds  
of corpo-  
ration,  
where  
located.

Corporate  
powers.

To pro-  
vide  
water,  
light;  
build  
docks, etc.

By-laws.

Existing  
laws to  
apply.

Deeds,  
contracts,  
etc., how  
executed.

their successors in office, are hereby constituted a body corporate and politic, under the name of "The Shelter Island Camp-meeting Association of the Methodist Episcopal Church." The grounds of said association shall be established and located on Shelter Island, and in the town of Shelter Island, in the county of Suffolk, for the purpose of providing and maintaining for the Methodist Episcopal Church and other Christian people a camp-meeting ground.

§ 2. The corporation hereby created shall have power to purchase and hold real and personal estate, and may take and hold the same by gift, grant or devise, so far as shall be consistent with the provisions of the laws of this State relating to devises and bequests, and may mortgage, sell and convey, or lease any of its real or personal estate whenever it shall be deemed advisable so to do, to promote the interests of the association; but the value of the real estate which the said corporation may hold at any time shall not exceed the sum of two hundred thousand dollars, and the annual income of its personal estate shall not exceed thirty thousand dollars.

§ 3. The said corporation shall have power to construct and provide all necessary works to supply the said premises with water and artificial light, and all buildings, docks, ferries, and all other conveniences, and make all other improvements which may be necessary and desirable.

§ 4. The said corporation shall have power to make and adopt by-laws, and also such rules and regulations for the government thereof, and the election of its officers, not inconsistent with the Constitution and laws of the State. And all laws and acts, and amendments to acts, granting annuities, and protecting camp-meetings against the sale of intoxicating drinks, huxtering, and all kinds of peddlers on water or land, shall apply to this corporation during their occupancy of the said grounds. All deeds and contracts shall be signed by the president and secretary, or by the president and treasurer, and stamped with the corporation seal of the association.

§ 5. The affairs of this association shall be managed by twenty-four trustees; the persons named in the first section of this act shall be the first trustees of said corporation; and, at the first meeting held after the passage of this act, the said trustees shall be divided by lot into three classes, numbered one, two, three. The term of office of the first class shall expire on the last Thursday of August, A. D. eighteen hundred and seventy-three; that of the second class shall expire on the last Thursday of August, eighteen hundred and seventy-four; and that of the third class on the last Thursday of August, eighteen hundred and seventy-five. And on each succeeding year after August, eighteen hundred and seventy-two, there shall be an election of the trustees, who shall hold their office for three years, and until others shall be elected in their places; but two-thirds of the trustees shall at all times be members of the Methodist Episcopal Church. Any trustee dying, or being guilty of conduct deemed incompatible with the objects and purposes of this corporation, his place may be declared vacant by a two-thirds vote, by ballot, and a successor may be elected also by a two-third vote at any regular meeting by the remaining trustees present. All elections of trustees, and the appointment of other officers and committees, shall be held and done according to the manner prescribed by the by-laws of the association. All trustees shall be subscribers to the funds of the association of at least one hundred dollars.

Affairs to be managed by trustees.

Terms of office of trustees.

Election of trustees.

Places may be declared vacant and new trustees elected.

Trustees to be subscribers to corporate fund.

Officers.

Trustees to nominate and sheriff to appoint officers to preserve order.

§ 6. The corporation hereby created shall elect out of their own number, annually, a president, vice-president, secretary and treasurer, and may appoint other officers or agents of the corporation as they may deem necessary. The trustees shall have power to nominate, and it shall be the duty of the sheriff of said county to appoint such number of officers as they shall deem necessary for the purpose of keeping order on the grounds, which officers shall be paid by said corporation for their services, but shall have, when on duty, the same power, authority and immunities which constables and other police officers, under the laws of this State, possess or enjoy when on duty as such; and they shall have power to enforce obedience on said grounds and vicinities, on

water or land, as granted to camp-meetings for their protection, to any rules or regulations of said trustees for the preservation of quiet and good order.

Meetings  
to be  
under  
direction  
of a com-  
mittee.

§ 7. The religious meetings and all other services, held on the grounds of the association, shall at all times be under the direction and supervision of a committee appointed for that purpose by said trustees at their regular annual meeting.

§ 8. This act shall be constituted a public act, and shall take effect immediately.

## Chap. 648.

AN ACT repealing the act entitled "An act to incorporate the Port Jervis Driving Park Association," passed March twenty-second eighteen hundred and seventy-one.

Passed May 11, 1872.

**Preamble.** Whereas, The Port Jervis Driving Park Association has permitted the sale of its tracks, grounds, real estate and property of every kind and nature, and has become insolvent and unqualified to promote and carry on the objects of its organization, therefore

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Act of  
incorpora-  
tion  
repealed.

SECTION 1. The act of the Legislature of the State of New York, passed March twenty-second, eighteen hundred and seventy-one, entitled "An act to incorporate the Port Jervis Driving Park Association," is hereby repealed.

## Chap. 649.

AN ACT further to amend chapter three hundred and nineteen of the Laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," and the several acts amendatory thereof.

Passed May 11, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter three hundred and nineteen of the Laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," is hereby amended so as to read as follows:

§ 1. Any five or more persons of full age, a majority of whom shall be citizens of and residents within the State, who shall desire to associate themselves together for benevolent, charitable, literary, scientific, missionary, or mission or other Sunday school purposes, or for the purpose of mutual improvement in religious knowledge or the furtherance of religious opinion, or for any two or more of such objects combined, may make, sign and acknowledge, before any person authorized to take the acknowledgment of deeds in this State, and file in the office of the clerk of the county in which the business of such society is to be conducted, certificates in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers of such society for the first year of its existence; but such certificate shall not be filed, unless by the written consent and approbation of one of the justices of the Supreme Court of the district in which the place of business or principal office of such society shall be located, to be indorsed on such certificate.

Societies,  
how  
formed.

Certificate  
not to be  
filed  
unless by  
consent of  
a justice  
of the  
Supreme  
Court.

Certain words stricken out of section two of act amended, and others substituted in their places.

§ 2. The second section of said act is hereby amended by striking out the words "fifty thousand dollars" where they occur in said section, and inserting in lieu thereof the words "one hundred and fifty thousand dollars"; by striking out the words seventy-five thousand dollars where they occur in said section, and inserting in lieu thereof the words one hundred and fifty thousand dollars, and by striking out the words ten thousand dollars, where they occur in said section, and inserting in lieu thereof the words thirty thousand dollars; so that the associations which may be incorporated under the acts hereby amended shall be capable of taking, receiving, purchasing and holding for the purposes of their incorporation, and for no other purpose, real estate to an amount not exceeding one hundred and fifty thousand dollars, and personal estate to an amount not exceeding one hundred and fifty thousand dollars, provided, that the clear annual income of such real and personal estate shall not exceed thirty thousand dollars.

§ 3. This act shall take effect immediately.

## Chap. 650.

AN ACT authorizing the trustees of the village of Tonawanda to raise money by tax to pay the indebtedness of said village.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Trustees to levy tax, not exceeding \$1,000, to pay existing indebtedness.

SECTION 1. The trustees of the village of Tonawanda are hereby authorized and directed to raise by tax upon the taxable property of said village (in the same manner and at the same time as the general taxes are now raised), a sum not exceeding one thousand dollars, for the purpose of paying the present indebtedness of said village, and the said money shall be applied for no other purpose.

§ 2. This act shall take effect immediately.



## Chap. 651.

**AN ACT** to provide for the construction of a canal bridge over the Erie canal at Madison street in the city of Rome.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The Canal Commissioners are hereby authorized and directed to construct a suitable iron bridge with roadway nineteen feet clear, and two sidewalks each six and a half feet clear, over the Erie canal at Madison street in the city of Rome, Oneida county, New York, provided, however, that before proceeding to the construction of any such bridge, the Canal Commissioners shall require and receive a full and sufficient release, executed, acknowledged and delivered free of expense to the State, of all claims for damages in consequence of the construction of said bridge or of the approaches and embankments of the same, and also a good and sufficient license or permission to the State duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the Canal Commissioners, from all persons whose property, rights or interests may be affected by such bridge approaches or embankments.

Canal Commissioners to construct iron bridge in the city of Rome.

Proviso as to releases to the State.

§ 2. The Treasurer shall pay, on the warrant of the Auditor of the Canal Department, out of any money appropriated for extraordinary repairs of the eastern division of the canals, such sum, not exceeding the sum of five thousand dollars, as shall be necessary to defray the expenses of the performance of the work authorized by the first section of this act.

Treasurer to pay on warrant of Auditor, not exceeding \$5,000, to defray expense of the bridge.

§ 3. This act shall take effect immediately.

## Chap. 652.

AN ACT to authorize the construction of a draw or swing-bridge over the Erie canal in the city of Utica.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Canal Commissioners to construct swing bridge over Erie canal, in Utica. Proviso as to pier.

City to convey to State land necessary to be used.

Release to be executed to State.

City to provide for expense of care of bridge.

SECTION 1. The Canal Commissioners are hereby authorized to construct a draw or swing-bridge over the Erie canal at its junction with Hotel street in the city of Utica, and the expense thereof shall be paid from any appropriation made for extraordinary repairs on the eastern division of the canals, provided that the pier or abutment on which said bridge shall swing shall not be erected or placed in the prism of the canal; and provided further, that before proceeding to the construction of such bridge the city of Utica shall purchase and convey to the State, without cost, the land necessary to be used for the purposes of said bridge, and that the Canal Commissioners shall require and receive a full and sufficient release, legally executed, acknowledged and delivered free of expense to the State, of all claims for damages in consequence of the construction of said bridge, or of the approaches and embankments of the same, and also a good and sufficient license or permission to the State, duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments, when necessary, which necessity is to be determined by the Canal Commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments, and further, that said city shall provide for the expense of attending to and care of said bridge, in opening of the same for the passage of boats without cost to the State.

§ 2. This act shall take effect immediately.

## Chap. 653.

AN ACT to amend an act entitled "An act to authorize the Canal Commissioners to construct a swing-bridge over the Erie canal on Buffalo street in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal, to connect Munger and Averill streets in said city," passed April seventh, eighteen hundred and seventy-one.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "An act to authorize the Canal Commissioners to construct a swing-bridge over the Erie canal on Buffalo street, in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal, to connect Munger and Averill streets in said city," passed April seventh, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 1. The Canal Commissioners are hereby authorized and required to construct a swing or turn-table bridge over the Erie canal, in the city of Rochester, at a point where said canal is intersected by Buffalo street, in place of the bridge now over said canal at the point aforesaid; said swing-bridge shall be located on such a line as shall be most practicable, and in the opinion of the State Engineer most conducive, to the best interests of the State and the citizens using the same.

Canal  
Com-  
mis-  
sioners to  
construct  
swing  
bridge  
over Erie  
canal, at  
Buffalo  
street,  
Rochester.

§ 2. This act shall take effect immediately.

## Chap. 654.

AN ACT to amend chapter five hundred and eighty-five of the Laws of eighteen hundred and sixty-five, entitled "An act to establish Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress, on the second day of July, eighteen hundred and sixty-two, also to restrict the operation of chapter five hundred and eleven of the Laws of eighteen hundred and sixty-three."

Passed May 13, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section nine of chapter five hundred and eighty-five of the Laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows:

Departments of study to be open to applicants at the lowest consistent rates.

One student to be received annually from each Assembly district free of charge.

Such free instruction to be accorded students in consideration of superior ability, etc.

§ 9. The several departments of study in the said university shall be open to applicants for admission thereto at the lowest rates of expense consistent with its welfare and efficiency, and without distinction as to rank, class, previous occupation or locality. But, with a view to equalize its advantages to all parts of the State, the institution shall annually receive students, one from each Assembly district in the State, to be selected as hereinafter provided, and shall give them instruction in any or in all the prescribed branches of study in any department of said institution, free of any tuition fee, or of any incidental charges to be paid to said university, unless such incidental charges shall have been made to compensate for damages needlessly or purposely done by the students to the property of said university. The said free instruction shall, moreover, be accorded to said students in consideration of their superior ability and as a reward for superior scholarship in the academies and public schools of this State. Said students shall be selected as the Legislature may, from time to time direct, and until otherwise ordered, as follows: The

school commissioner or commissioners of each county, and the board of education of each city, or those performing the duties of such a board, shall select, annually, the best scholar from each academy and each public school of their respective counties or cities as candidates for the university scholarship. But in no case shall any person having already entered the said university be admitted as one of such candidates. The candidates thus selected in each county or city shall meet at such place and time in the year as the school commissioner or commissioners of the county and the said boards of education of the cities, in those counties which contain cities, shall appoint; and the school commissioner or commissioners, and the said board of education, or such of them as shall attend and act, shall proceed to examine said candidates and determine which of them are the best scholars; and they shall then select therefrom to the number of one for each Assembly district in said county or city, and furnish the candidates thus selected with a certificate of such selection, which certificate shall entitle said student to admission to said university, subject to the examination and approval of the faculty of said university. In making these selections, preference shall be given (where other qualifications are equal) to the sons of those who have died in the military or naval service of the United States; consideration shall be had also to the physical ability of the candidate. Whenever any student selected as above described shall have been, from any cause, removed from the university before the expiration of the time for which he was selected, then one of the competitors to his place in the university from his district may be elected to succeed him therein, as the school commissioner or commissioners of the county of his residence, or the board of education of the city of his residence may direct."

How  
selected.

Preference to be  
given to  
sons of  
deceased  
soldiers or  
sailors.

Vacancies, how  
filled.

## Chap. 655.

AN ACT to authorize the sale of the State armory at Ballston Spa.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Commissioners of land office authorized to sell the State armory at Ballston Spa.

SECTION 1. The Commissioners of the Land Office of the State of New York are hereby authorized to sell at public auction, and convey to the highest bidder or bidders therefor, the property now owned by the State and known as the State armory, at the village of Ballston Spa. The proceeds of said sale shall be paid into the treasury of the State.

§ 2. This act shall take effect immediately.

## Chap. 656.

AN ACT to incorporate the Mechanics' and Traders' Exchange of the city of Brooklyn.

Passed May 13, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corporators.

SECTION 1. The members of the association known as the Mechanics' and Traders' Exchange of the city of Brooklyn, and all other persons who may hereafter become associated with them under the provisions of this act, are hereby created a body corporate by the name of The Mechanics' and Traders' Exchange of the city of Brooklyn, with perpetual succession and power to use a common seal, and alter the same at pleasure ; to sue and be sued, and to take and hold by grant, purchase and devise real and personal property to any amount not exceeding two hundred and fifty thousand dollars, for the purpose and benefit of such exchange, and to sell, convey, lease and mortgage the same or any part thereof.

Corporate name and powers.

§ 2. The property, affairs, business and concerns of the corporation hereby created shall be managed by a president, vice-president, treasurer and seven managers, who shall have the power to appoint a secretary; said board of managers to be elected annually, at such time and place as may be provided for by the by-laws of this exchange; and the present officers and managers of this said exchange, as now constituted, shall be the officers and managers of said corporation until the present term of office shall expire, and until others, under the provisions of this act, shall be elected in their place. All vacancies which may occur in said board by death, resignation or otherwise, shall be filled by said board. A majority of the members of such board shall constitute a quorum for the transaction of business.

By whom  
business  
to be  
managed.

Present  
officers to  
hold office  
until ex-  
piration  
of term.

Vacancies,  
how  
filled.

§ 3. The purposes of said corporation shall be to provide and regulate suitable room or rooms for the daily meetings of the said exchange in the city of Brooklyn; to establish a more general and good understanding, just and equitable principles in all business transactions with each other; to acquire, preserve and disseminate valuable business information, and, in all cases of misunderstanding arising between members of the said exchange, they shall be adjusted as may be hereafter provided in the by-laws of this corporation; and the said corporation shall have power to make all proper and needful by-laws for the use and government of this exchange, not contrary to this act, the Constitution and laws of the State of New York or the United States.

Purposes  
and  
objects of  
the corpo-  
ration.

§ 4. For the purpose of purchasing such real estate, and erecting a building thereon, or the purchasing of real estate with building thereon, for the sole use of the association; and for the purposes as herein intended this corporation shall have power to issue stock in the name of the said association, to an amount not exceeding two hundred and fifty thousand dollars, in shares of one hundred dollars each.

May issue  
stock for  
purpose  
of pur-  
chasing  
real  
estate.

§ 5. The said association shall have power for the support of indigent members of said corporation, and the widows and children of any person having been a member thereof, in good standing, for one year; for the

May estab-  
lish and  
maintain  
a school  
for gratui-  
tous edu-

cation of  
children  
of de-  
ceased  
and in-  
digent  
members.

establishing, support and maintenance of a school for the gratuitous education of the children of deceased or indigent members of said society; and for the establishment, support and maintenance of a library and reading rooms for the use of apprentices and employees of mechanics and traders, in the city of Brooklyn, and county of Kings.

Control  
over mem-  
bership.

§ 6. The said corporation shall have powers to admit new members, and expel any member, as may be provided for by the by-laws.

§ 7. This act shall take effect immediately.

## Chap. 657.

AN ACT to enable the Commissioners of the Land Office to convey a school-house lot to the trustees of school district number three, in the town of Dannemora.

Passed May 13, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sioners of  
land office  
may cede  
to Edward  
Fournier,  
trustee of  
school  
district  
No. 3,  
Danne-  
mora,  
school-  
house site.

SECTION 1. It shall be lawful for the Commissioners of the Land Office to cede, in the name of the people the State of New York, unto Edward Fournier, the trustee of school district number three, of the town of Dannemora, and to his successor or successors in office, and to convey to them in trust for a school-house lot, either by patent or by a good and sufficient deed, the following described piece or parcel of land, being the same on which the school-house of said district now stands, and situate in said town of Dannemora, to wit: all that part or parcel of lot number one hundred and thirty (130) of the original survey of township number five (5) of the old military tract, bounded and described as follows, viz.: beginning at the northwest corner of the angle formed by the junction of the old road running from Clinton prison to Chazy lake, and the new plank road running from said old road to Ellenburg, and running thence northerly along the westerly side of said new plank road ten rods, thence westerly parallel to the said old road sixteen

Descrip-  
tion of  
land to be  
ceded.



rods, thence southerly parallel to the said new plank road ten rods to the northerly line of said old road, and thence easterly along the north side of said old road to the place of beginning, containing one acre of land.

§ 2. This act shall take effect immediately.

## Chap. 658.

AN ACT to extend the time of beginning the construction of the Newburgh and Midland railway, and expending ten per cent. of the amount of its capital stock thereon.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time within which the Newburgh and Midland Railway Company shall begin the construction of its road and expend thereon ten per cent. of the amount of its capital, is hereby extended to January first, eighteen hundred and seventy-four; and its corporate existence and powers shall continue and be of the same force, validity and effect as if said company had begun the construction of its road and expended thereon ten per cent. of the amount of its capital within two years after its articles of association were filed and recorded in the office of the Secretary of State.

Time within which R. R. Co. shall begin the construction of its road and expend ten per cent. thereon, extended till January 1, 1874.

§ 2. This act shall take effect immediately.

## Chap. 659.

AN ACT for the preservation of shell fish in the town of North Hempstead, in Queens county.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful for any person to take from the shores bordering on, or the flats or shoals

Penalty for taking more than

one-half bushel of long or soft shell clams at any one time from bogs and harbors in North Hempstead.

Duty of supervisor to prosecute.

in the bays and harbors in the town of North Hempstead, in Queens county, or to have in possession during the months of May, June, July, August, September and October, more than one-half bushel of long or soft shell clams at one time under a penalty of not to exceed twenty-five dollars, or imprisonment not to exceed thirty days for each offense knowingly and willfully committed.

§ 2. It shall be the duty of the supervisor of the town, on satisfactory information, to prosecute, before a justice of the peace in said county, any person who shall be charged with having violated the first section of this act, and the fine, when collected, shall be paid, one-half thereof, to the informant, and the other half thereof, after paying costs of the suit, shall be applied to the support of the poor of said town.

§ 3. This act shall take effect immediately.

## Chap. 660.

AN ACT to authorize the president and trustees of the village of West Troy to raise by tax upon the taxable property within said village, the sum of four thousand four hundred and forty-six dollars and seventy-three cents, to pay the outstanding indebtedness of said village.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

President and trustees to levy tax of \$4,446.78 to pay existing indebtedness of village.

SECTION 1. The president and trustees of the village of West Troy are hereby authorized and empowered to cause the sum of four thousand four hundred and forty-six dollars and seventy-three cents to be assessed upon the taxable inhabitants, incorporated companies and associations within said village, and to be levied and collected of the taxable property, real and personal, thereof, in the same manner that taxes for village purposes are now authorized to be assessed, levied and collected in said village, and to apply such moneys to

the payment of the several sums of indebtedness for fire, road, surveying, printing and stationery purposes, which were voted and directed to be raised at a meeting of the taxable inhabitants of said village held therein on the fifteenth day of April, eighteen hundred and seventy-two.

§ 2. The restrictions contained in the act incorporating said village, and the several subsequent acts amendatory thereof, are hereby suspended and annulled so far as the same are in conflict with the provisions and purposes of this act, and to and for this purpose only.

Restrictions in act of incorporation suspended.

§ 3. This act shall take effect immediately.

## Chap. 661.

AN ACT to authorize the New York Loan and Indemnity Company to accept and execute certain trusts.

Passed May 13, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The New York Loan and Indemnity Company is hereby authorized and empowered to accept and execute all such trusts as may be committed to it by any person or persons or by any railroad or other corporation, to receive its mortgage bonds, or other obligations lawfully made or issued, and appointing such company trustee and to act as trustee in respect to all matters embraced in such trust.

Corporation may accept and execute trusts committed to it by persons or corporation.

§ 2. This act shall take effect immediately.

## Chap. 662.

AN ACT to extend the time for the collection of taxes in the village of Richfield Springs, in the county of Otsego.

Passed May 18, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Time for  
collection  
of taxes  
extended.

SECTION 1. The time for the collection of the taxes now levied and uncollected in the village of Richfield Springs, Otsego county, is hereby extended to the fifteenth day of June next, provided, that the collector shall pay over the moneys already collected by him, and shall renew his bonds with sureties, to the satisfaction of the trustees of said village, or a majority of them, and in such case the warrant already issued shall continue in full force until that date.

§ 2. This act shall take effect immediately.

## Chap. 663.

AN ACT for the completion of Westchester avenue, in the towns of White Plains, Harrison and Rye, in the county of Westchester.

Passed May 18, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commissioners  
appointed  
to  
lay out or  
grade  
Westches-  
ter avenue  
directed  
to sur-  
render  
said  
avenue  
and all  
property,  
etc., to  
commis-  
sioners  
named in  
this act.

SECTION 1. All commissioners heretofore appointed by or under any act or acts of the Legislature for laying out, constructing, grading or completing Westchester avenue, in the towns of White Plains, Harrison and Rye, in the county of Westchester, shall, from and after the passage of this act, cease to have any power, authority or control over said avenue, or any part thereof, and the commissioners appointed by or under chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, are directed to surrender the charge of said avenue to the commissioners appointed by this act, and to deliver up to said commissioners all papers,

vouchers, bonds, or other property remaining in their hands as such commissioners.

§ 2. The supervisors of White Plains, Harrison and Rye, and their successors in office, are hereby appointed commissioners of said Westchester avenue, and all the powers conferred upon and duties required of the commissioners of said avenue, under and by virtue of chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, and the acts amending the same together with the act therein referred to, so far as the same are not inconsistent with the provisions of this act, are hereby conferred upon said supervisors as such commissioners.

Super-  
visors of  
White  
Plains.  
Harrison  
and Rye  
appointed  
commis-  
sioners.

§ 3. Within thirty days after the passage of this act the commissioners appointed by or under chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, or such of them as shall have assumed and continued to exercise the duties of such commissioners, shall render an account under oath to the commissioners hereby appointed, of all their proceedings under and by virtue of the several acts hereinbefore referred to, which account shall contain a true and correct statement of all bonds received, and moneys received and disbursed by said commissioners, both for laying out and constructing said avenue, and for assessments collected and awards paid by said commissioners, and which account shall show whether any, and if so, what moneys have been expended by said commissioners in any town over and above the amount realized from the bonds of said town and from what source such amounts so expended have been derived; and the commissioners hereby appointed, are authorized and empowered to send for persons and papers, and to examine such persons and said commissioners under oath, and to settle and adjust the accounts of said commissioners, and to determine whether they have any bonds or moneys in their hands as such commissioners, and who are entitled to such moneys. Either of the commissioners hereby appointed may administer an oath to any person who shall appear before such commissioners under the provisions of this act, and any person who

Commis-  
sioners  
appoint-  
ed, under  
act of  
1868, to  
render  
account  
under  
oath to  
commis-  
sioners  
herein  
appointed.  
What  
account  
must  
contain.

Commis-  
sioners  
herein  
appointed  
empower-  
ed to send  
for per-  
sons and  
papers  
and ex-  
amine and  
settle  
accounts  
of former  
commis-  
sioners.

shall swear falsely before such commissioners shall be deemed guilty of willful perjury. •

Expenditures by, and work done in the several towns to be equalized.

§ 4. In case it shall appear from said account when so settled and adjusted, that either of the towns through which said avenue is laid out has received in work, labor and expenses on said avenue more than it was justly entitled to from the proceeds of the bonds of said town issued under said act of eighteen hundred and sixty-eight, and shall appear to have received such amount from the proceeds of the bonds of any other town through which such avenue is laid out, then such town shall, through its supervisors, pay to the supervisor of the town or towns to which it may appear to be indebted, the amount of such indebtedness, out of the first proceeds of the bonds of such town to be issued under this act, and before any part of the proceeds of the bonds of such town shall be expended in the construction of said avenue, the amount so paid to be applied under the restrictions hereinafter mentioned by the supervisor of the town entitled thereto, to the construction of said avenue in such town.

Money in hands of present commissioners to be paid over to supervisors within thirty days after notice.

§ 5. In case it shall appear on such accounting that the commissioners appointed under and by virtue of chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, have any moneys in their hands as such commissioners, they shall within thirty days after said account shall have been adjusted, and notice thereof given to them, pay the same to the supervisor of the town which shall appear by said account to be entitled thereto, the same to be applied to construction of said avenue in said town, except such part of said moneys as shall appear to have been received for assessments, which amounts so received for assessments shall be applied to the payment of awards for opening said avenue and the necessary expenses attending the assessment thereof.

Either town may bring an action for any money, etc which remains in hands

§ 6. Either of the towns through which said avenue is laid out may bring an action through its supervisor against the commissioners appointed by and under chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, for any money or proceeds of the bonds issued by the county treasurer

upon the credit of said town, which shall appear to remain in the hands of such commissioners, or which shall have been unlawfully or improperly expended, or for any damage sustained or incurred by said town for any neglect, default or dereliction of duty, by such commissioners, and the money so recovered shall be applied under the direction of the supervisor of such town, and the board of town auditors thereof, to the construction and completion of said avenue, and to keeping the same in repair.

of commis-  
sioners, or  
been un-  
lawfully  
expended,  
etc.

§ 7. The commissioners hereby appointed are authorized to expend in the completion of the avenue, in the manner hereinafter mentioned, a sum not exceeding five thousand dollars per mile, in addition to the amount heretofore authorized by law to be expended in making, grading or constructing the same, and in addition to the amount which may be received or recovered under this act as provided in the preceding sections thereof.

Amount  
to be  
expended  
in com-  
pleting  
said  
avenue.

§ 8. The moneys necessary to complete and finish said avenue to an amount not exceeding five thousand dollars per mile, and the moneys required to pay the amount ascertained to be due on account of either of said towns as above mentioned, to either of the other towns through which said avenue is laid out, shall be raised as provided in section six of chapter eight hundred and fifty-six, of the Laws of eighteen hundred and sixty-eight, and the acts amending the same, except that said bonds shall be issued to the commissioners appointed by this act, upon the requisition of said commissioners, or a majority of them including the supervisor of the town for which such bonds are required, and shall be issued by the county treasurer in the name and on behalf of the county of Westchester, and charged to the town for which the same are required, and the principal and interest paid by taxation of the taxable property of said town, as provided for in said chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, and the several acts amending the same; said bonds shall bear interest at the rate of seven per cent. per annum; shall be in sums not less than one hundred dollars each, and shall be payable within twenty years

Money to  
complete  
avenue,  
etc., how  
raised.

County  
treasurer  
to issue  
bonds.

from the date thereof; such bonds shall not be disposed of for a less amount than the par value thereof.

Proceeds  
of bonds,  
to whom  
to be  
paid.

§ 9. The proceeds of such bonds shall be paid to the supervisor of the town on whose account the same were issued, to be by him expended in the construction and completion of said avenue, in the manner hereinafter mentioned, and the necessary expenses attending the same.

Work to  
be done  
by con-  
tract.

§ 10. All work done or materials furnished in the construction or completion of said avenue, except for surveying, engineering or superintending the same, shall be done and furnished by contract made and entered into by and between the person who shall perform such work or furnish such materials, and the supervisor of the town in which such work is to be done or materials furnished; but no such contract shall be made without the sanction or consent of a majority of the town auditors of said town, neither of whom shall be interested in such contract. The supervisor of each town may appoint such surveyors, engineers or superintendents as may be necessary to lay out or superintend the work in such town, and the compensation of such person or persons so appointed shall be fixed and determined by the board of town auditors of such town.

Super-  
visors to  
appoint  
surveyors.

Proceed-  
ings in  
case of  
unpaid  
assess-  
ments.

§ 11. In case any of the assessments made under and by virtue of chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, and the several acts amending the same, have not been paid, or in case any of the assessments provided for under this act, shall remain unpaid after the expiration of sixty days after a final order confirming the same, the commissioners appointed under this act shall cause such unpaid assessments, and a description of the land on which such assessment is made by its number upon the assessment map, to be published for six weeks in a newspaper printed in the town in which said lands are situated if there be such newspaper, and if there be none, then in a newspaper printed in the village of White Plains, together with a notice that if the assessment is not paid with the expense of advertising, which shall not exceed one dollar for each parcel so advertised, on or before a certain day to be therein designated, which

Notice to  
be pub-  
lished.



shall not be less than six weeks from the first publication thereof, the lands so described will be sold at public auction to the person who shall take them for the shortest period and pay the assessment and expenses incurred thereon; and such commissioners, or a majority of them may adjourn such sale from time to time, and upon the day appointed for such sale, or upon any day to which the same shall be adjourned, such lands shall be sold by or under the direction of the commissioners, or a majority of them, to the person who shall take the same for the shortest period and pay the assessment and expenses incurred thereon. The commissioners, at or immediately after such sale, on receiving the money thereon, shall give to the purchaser a certificate of such sale, which shall be presumptive evidence of all the facts therein stated, and shall authorize and empower the purchaser therein named, or his assigns, to receive a lease for said premises for the time for which the same shall have been sold to him, unless the same shall be redeemed as hereinafter provided, and the moneys thus collected or otherwise received on account of assessments, shall be applied to the payment to the parties entitled thereto, to the awards for damages for lands taken for said avenue, and to the payment of the necessary expenses incurred in making such estimate of assessments and awards.

Tax sale.

Interest to be sold.

Certificate of sale.

§ 12. The owner, mortgagee, occupant, or other person interested in and entitled to redeem land sold on execution, may at any time within two years from the date of such sale, or within six months after receiving written notice thereof, redeem the lands sold by paying to the purchaser or to any one of the commissioners under this act, for the use of such purchaser, the purchase money, with ten per cent. per annum interest in addition thereto, together with any other tax or assessment which the said purchaser may have paid, chargeable to said land, and the certificate of such commissioner showing what land the payment is intended to redeem, shall be evidence of such redemption, and shall entitle the person so redeeming to have such sale canceled on the books containing the record of such sales. Minors whose lands shall be sold may redeem at any

Redemption of lands sold to pay assessments.

In case of  
minors.

time on repaying the purchase money, with seven per cent. per annum interest thereon, to the purchaser, together with such taxes and assessments which the purchaser shall have lawfully paid thereon, and if said land shall not be redeemed within the time aforesaid, the commissioners hereby appointed, or their successors, shall, under their hands and seals, execute and deliver to such purchaser, on payment of one dollar, a lease for the land so sold for the term of time for which the same shall have been purchased by him, and such lease shall entitle the purchaser to immediate possession of said premises and to hold the same during such term.

Records to  
be kept by  
commis-  
sioners.

Duplicate  
to be  
deposited  
with  
register  
of West-  
chester  
county.

Commis-  
sioners  
may make  
an order  
reducing  
the exten-  
sion of  
said  
avenue to  
width of  
present  
road.

On filing  
order  
avenue to  
cease to  
be a pub-  
lic high-  
way, ex-  
cept for

§ 13. The said commissioners shall keep a book containing a minute of such sales, of the dates and amounts thereof, and of the redemption for the same, a duplicate of which shall be deposited in the office of the register of the county of Westchester, and said register shall, on payment of his lawful fees therefor, record in his office every certificate of sale or of redemption and every lease duly acknowledged that shall be presented to him for lands sold for said assessment.

§ 14. The commissioners appointed by this act, or a majority of them, are authorized to make and file in the offices of the town clerks of White Plains, Harrison and Rye, an order that the extension of said avenue from the point where the main avenue crosses Purchase street, in the town of Harrison, to the land of Hackaliah Brown, in said town, shall be reduced to the width of the present road known as the Purchase road, and shall follow the course of and coincide with the present lines of said Purchase road, to the said lands of Hackaliah Brown, except where an alteration thereof may be necessary near said last mentioned land to make the lines of said extension continue in a direct line through said land, and also reducing the width of the extension of said avenue from said land to a point near Rye depot, to a width of four rods, and defining the lines of said avenue as so reduced; and thereupon, on filing said order, such extension of said avenue shall cease to be a public highway, except for such reduced width thereof as so defined, and the awards and assessments heretofore made for such extension shall be set aside, and the order

therefor vacated as hereinafter mentioned, and a new award and assessment of damages shall be made for such extension in the manner provided by chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, and the acts therein referred to, except that the fees of the commissioners of estimate and assessment for services performed under this act and the disbursements made by them, shall be verified by the oath of the commissioner performing such services or making such disbursements, and any person interested in lands assessed for such extension may, within thirty days after such adjustment, appeal therefrom on a written notice of ten days to said commissioners to the county judge of Westchester county, who shall then adjust the same.

such  
reduced  
width.

§ 15. Either of the commissioners hereby appointed or any person interested in the payment of assessments or awards heretofore made for the extension of said avenue, may in case an order is made as provided in the last preceding section, apply to the Supreme Court at any special term thereof to be held in the second district for an order vacating the order heretofore made by the Supreme Court, confirming the report of the commissioners of estimate and assessment for the extension of said avenue, and authorizing a new assessment and award for such extension as so reduced and defined by the commissioners hereby appointed, such application to be made on three weeks' previous notice thereof to be published in each newspaper printed in the towns through which said avenue is laid out.

Applica-  
tion may  
be made  
to vacate  
order  
heretofore  
made,  
confirm-  
ing assess-  
ment.

Notice to  
be given.

§ 16. After the order authorized to be applied for by the preceding section shall have been made and entered, the cost of the commissioners of estimate and assessment heretofore appointed for the extension of said avenue, shall be adjusted by the county clerk of Westchester county on a notice of not less than ten days given by either of the commissioners hereby appointed, or by any person assessed for such extension to the commissioners of estimate and assessment heretofore appointed for such extension. The fees of said commissioners and the disbursements made by them, or either of them, shall thereupon be verified by the oath of the commis-

Proceed-  
ings in  
case  
order  
vacating  
assessment is  
made.

sioner performing such service or making such disbursements. Either of said commissioners or any person interested in lands assessed for such extension, may within thirty days after such adjustment appeal therefrom on a written notice of ten days to the said commissioners of estimate and assessment or to the person who shall have required such readjustment to the county judge of Westchester county, who shall then adjust the same.

Disbursements to form part of expense of reducing width of avenue.

§ 17. The amount of such fees and disbursements when so readjusted shall be added to the expense of reducing the width of such extension of said avenue and shall be assessed upon the lands contained in the assessment district established for the same.

Assessment district.

§ 18. Such assessment district shall coincide with the limits of the assessment district laid out on the map heretofore made for the extension of said avenue, and filed as required by said chapter eight hundred and fifty-six of the Laws of eighteen hundred and sixty-eight, and shall include the whole of the assessment district laid down on said map.

Acts to be performed by supervisors under this act to be considered part of their official duties.

§ 19. All acts performed by the commissioners appointed under this act shall be considered a part of their official duties as supervisors of the respective towns of which they are elected, and they shall account to the justices of the peace and town clerk of such town for all the proceedings under this act, at the time and in the manner in which they are required by law to render their accounts as such supervisors, and the sureties of such supervisor shall be responsible on their official bonds in like manner as for the other official duties of such supervisors, but each of said commissioners shall be responsible only for his own acts or omissions and shall not be held accountable for any moneys except such as shall come into his hands.

When avenue to be completed.

§ 20. Said Westchester avenue shall be completed in the manner provided by this act on or before the first day of January, eighteen hundred and seventy-three, except the extension thereof hereinbefore mentioned, which shall be completed on or before the first day of July, eighteen hundred and seventy-three, and upon the completion thereof the same shall be surrendered to the commissioners of highways and boards of

trustees of the respective towns and villages through which the same is laid out, who shall thereafter have charge thereof.

§ 21. This act shall take effect immediately.

## Chap. 664.

**AN ACT** to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn, New York.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The owners in fee of the property located in the first ward of the city of Brooklyn, and designated on the ward map, number one, of the first ward of the city of Brooklyn, as lot number five, are hereby authorized to repair and build a wharf and a pier in front of, and belonging to said lot, and to extend the same to the bulkhead and pier line, as now established by law; such extension to be not exceeding thirty feet in width, and to be inside on the north line of the said property extended in a straight line to said pier line.

Owners in fee of lot five authorized to repair and build wharf and pier.

§ 2. This act shall take effect immediately.

## Chap. 665.

**AN ACT** to extend the time for the organization of the Mutual Fire Insurance Company.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The time in which the Mutual Fire Insurance Company may organize and commence business is hereby extended for one year from the passage of this act.

Time in which to organize extended.

§ 2. This act shall take effect immediately.

## Chap. 666.

AN ACT to amend an act entitled "An act for the protection of the planting of oysters, in the towns of Islip and Huntington, in the county of Suffolk, New York," passed March thirty-one, eighteen hundred and sixty-six.

Passed May 13, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of the act entitled "An act for the protection of the planting of oysters in the towns of Islip and Huntington, county of Suffolk," passed March thirty-one, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Any inhabitant of town may use land under water for purpose of planting oysters.

§ 2. Any person being such inhabitant of either of said towns may use a portion of the land under the public waters within said towns, not to exceed two acres, and on which there is no natural or planted bed of oysters or clams, for the purpose of planting oysters thereon; but to entitle such person to the privileges and comforts of such, all the portion so selected by him shall be clearly marked and defined by means of stakes or otherwise, as a notice to the public that it is selected and occupied for the purpose aforesaid; and no bed shall be so marked and defined until the bed shall be actually planted by such person, and shall not be so planted or used with less than four hundred bushels to the acre, or at the same rate for less than an acre.

Oysters planted on natural growth of stones to be removed.

§ 2. Any person who shall have planted oysters on any natural growth of clams before the passage of this amendment shall have two years from the date of this amendment allowed him to remove the same, and any oysters remaining on such natural growth of clams beyond that time shall become public property.

§ 3. This act shall take effect immediately.

## Chap. 667.

AN ACT supplemental to an act entitled "An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens," passed April twentieth, eighteen hundred and seventy-one.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for any person, being an inhabitant of the towns of Jamaica and Hempstead, in the county of Queens, and having been an inhabitant thereof, for at least one year, to plant oysters in any part of the public waters of said towns or either of them; subject however, to the provisions of the second section of the act to which this is a supplement.

Who may  
plant  
oysters.

§ 2. Whenever any inhabitant of either of said towns shall have proved to the board of auditors of such town where the land applied for is situated, that he is entitled to receive the same, by having complied with the provisions of the second section of the act to which this is a supplement, it shall be the duty of said town board of auditors, or a majority of them, and they are hereby required to give to such persons a certificate, as provided for in the third section of the act to which this is a supplement, whether such person reside in the same town where the land applied for is situated or not; provided, that where any person residing in one of said towns applies for land lying in the other, such application must be made to the board of auditors of the town where such land is situated.

When  
certificate  
is to be  
granted.

§ 3. All acts or parts of acts inconsistent with this act shall be and the same are hereby repealed.

Applica-  
tion to be  
made to  
town  
board of  
town  
where  
land is  
situated.

§ 4. This act shall take effect immediately.

## . Chap. 668.

AN ACT to amend an act entitled "An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade and macadamize or pave Railroad avenue in said village," passed April nineteenth, eighteen hundred and seventy-one, and for the protection of the pavement on the said street or avenue.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of the act entitled "An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, macadamize or pave Railroad avenue in said village," passed April nineteen, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 4. It shall be the duty of the board of trustees of said village of White Plains, and they are hereby required to levy and assess upon the taxable property, real and personal, within the bounds of said village, and cause to be collected of the several owners and occupants thereof (in addition to the several amounts now authorized to be collected by the charter of the said village, and the acts amendatory thereof), in each and every year, a sum or sums sufficient to pay the interest on all the bonds then issued and to be issued, in pursuance of this act, due or to become due, before the assessment and collection of the next year's taxes in said village, and also so much of the principal of the said bonds as shall become due and payable in each of the said years. The amounts herein mentioned shall be levied, assessed and collected at the same time and in the same manner that the other taxes are now levied, assessed and collected in said village.

§ 2. Section six of the said act is hereby amended so as to read as follows:

Trustees to levy annually sum sufficient to pay principal and interest on all the bonds issued in pursuance of this act.

When to be levied and collected.



§ 6. The aggregate expense of regulating, grading, macadamizing or paving the said street or avenue, under the provisions of this act, including engineers' compensation and the expenses of the printing or engraving the bonds mentioned in this act, shall not exceed the sum of thirty-seven thousand and five hundred dollars.

Amount  
to be ex-  
pended  
limited to  
\$37,500.

§ 3. Section seven of the said act is hereby amended so as to read as follows:

§ 7. The bonds issued under this act shall be made payable at the Central Bank of Westchester county or at some banking institution in the city of New York, to be designated by the board of trustees, and all moneys collected to pay the principal of said bonds and the interest thereon shall be deposited by the treasurer of said village with said bank or banking institution to pay said bonds and interest thereon as the same shall become due and payable. If any bank or banking institution so as aforesaid designated by the said board of trustees, shall suspend or close business, or the said board shall deem the said bank or banking institution unsafe, it shall be the duty of the said board to designate some other bank or banking institution for the deposit of the money herein mentioned, and it shall thereafter be the duty of the treasurer of the said village to deposit the moneys raised in pursuance of this act in said bank or banking institution so as aforesaid latter designated by the said board. Public notice of such (last mentioned) designation shall be given by said board by causing a notice thereof to be published for two successive weeks in a newspaper printed in the said village.

Bonds,  
where to  
be made  
payable.

Money  
collected  
to pay  
same,  
where  
to be de-  
posited.

§ 5.\* This act shall take effect immediately.

## Chap. 669.

### AN ACT in relation to mechanics' liens.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All the provisions of the laws relating to mechanics' liens heretofore passed shall apply to wharves,

Provisions  
of law  
relative to

\* So in the original.

mechan-  
ics' liens  
to apply to  
wharves,  
piers, etc.

piers, bulkheads and bridges and materials furnished therefor, and labor performed in constructing said wharves, piers, bulkheads and bridges and other structures connected therewith, and the time within which said liens may be filed shall be thirty days from the time when the last work shall have been performed on said wharves, piers, bulkheads and bridges and structures connected therewith, or the time from which said materials shall have been delivered. This act shall apply to all incomplete work commenced previous to the passage of this act.

To apply  
to incom-  
plete  
work.

§ 2. This act shall take effect immediately.

## Chap. 670.

### AN ACT relative to the care and education of deaf-mutes.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Provisions  
of exist-  
ing law to  
apply to  
The Le  
Couteulx  
St Mary's  
Institution  
of Buffalo.

SECTION 1. Sections nine and ten of title one of an act entitled "An act to revise and consolidate the general acts relating to the public instruction," passed May second, eighteen hundred and sixty-four, are hereby amended so that the same shall extend and apply to The Le Couteulx St. Mary's Institution for the improved instruction of deaf-mutes in the city of Buffalo, in the like manner and with the like effect as if said institution had originally been named in the said sections respectively.

§ 2. This act shall take effect immediately.

## Chap. 671.

AN ACT to amend an act entitled "An act to incorporate the Journeymen's Ship Joiners' Benevolent Association of the city of New York," passed April thirteenth, eighteen hundred and forty.

Passed May 13, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of "An act to incorporate the Journeymen's Ship Joiners' Benevolent Association of the city of New York," passed April thirteenth, eighteen hundred and forty, is hereby amended so as to read as follows:

§ 1. George Cryger, William G. Thomas, A. P. Sanford, John Cooper, Tuthill Corwin, Christopher McGary, Samuel Loder, and such other persons as now are, or shall hereafter be associated with them, are constituted a body corporate, by the name of the Journeymen's Ship and House Joiners' Benevolent Association, of the city of New York, to be located in the city of New York.

Corporators.

Corporate name.

§ 2. This act shall not affect any vested rights, or suits, or proceedings now pending by or against said association, nor any debts or liabilities now existing against the same.

§ 3. This act shall take effect immediately.

## Chap. 672.

AN ACT to amend "An act to incorporate the New York City Sunday School and Missionary Society of the Methodist Episcopal Church," passed April fourteen, eighteen hundred and sixty-six.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The third section of "An act to incorporate the New York City Sunday School and Missionary Society of the Methodist Episcopal Church," passed April fourteen, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Corporate powers.

§ 3. The said corporation shall be capable of taking and holding, by purchase or devise, any real or personal estate for the use and purpose of said corporation, and also of conveying, transferring and mortgaging any real or personal estate; but the annual income of any real estate held by said corporation at any one time shall not exceed twenty thousand dollars, and all devises and bequests to said corporation shall be subject to the provisions of an act entitled "An act in relation to wills," passed April thirteenth, eighteen hundred and sixty, and the act amending the same.

§ 2. Section four of said act is hereby amended so as to read as follows:

Management of affairs vested in board of managers.

Of whom board to consist.

§ 4. The management of the affairs of said corporation shall be vested in a board of managers, to be appointed and elected annually as provided by its constitution and by-laws, which board shall consist of the officers of the society, one member from each of the Methodist Episcopal churches in the city of New York, to be elected by the quarterly conference of the pastors of said churches, and of the presiding elders of the Methodist Episcopal church, who may on the whole or part embrace the city or portions of that city, and ten additional members, to be elected annually by the board of managers. Thirteen members of the board

Quorum.

shall be a sufficient quorum for the transaction of business at any meeting of said board.

§ 3. This act shall take effect immediately.

## Chap. 673.

AN ACT to amend an act entitled "An act to incorporate the Troy Young Men's Association," passed April twentieth, eighteen hundred and thirty-five.

Passed May 13, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act to incorporate the Troy Young Men's Association, passed April twentieth, eighteen hundred and thirty-five, is hereby amended so as to read as follows:

§ 1. The members of the Young Men's Association for mutual improvement, in the city of Troy, and all persons who shall hereafter be associated with them, are hereby created a body corporate by the name of "The Troy Young Men's Association," for the purpose of establishing and maintaining a library, reading-rooms, literary and scientific lectures, and other means of promoting moral and intellectual improvement, with power for such purposes to take by purchase, devise or otherwise, and to hold, transfer and convey real and personal property, to the amount of two hundred thousand dollars; and also, further to take, hold and convey all such books, cabinets, library, furniture and apparatus, as may be necessary for attaining the objects and carrying into effect the purposes of the said corporation.

Corpo-  
rators.

Corporate  
name,  
objects  
and  
powers.

§ 2. This act shall take effect immediately.

## Chap. 674.

AN ACT to extend the time within which the taxes to be raised in the city and county of New York, and the general fund of the said city and county, for the year eighteen hundred and seventy-two, may be fixed, set apart and apportioned, and provide further regulations in respect thereto.

Passed May 13, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of apportionment may at any time prior to July 1, 1872, fix the amount to be raised by tax for the year 1872.

SECTION 1. The board of apportionment constituted by chapter five hundred and eighty-three of the Laws of eighteen hundred and seventy-one, may, from time to time and at any time prior to the first day of July, eighteen hundred and seventy-two, by the votes of a majority of the members of said board, fix the amount to be raised by tax in the city and county of New York, in and for the year eighteen hundred and seventy-two, as now authorized by law, and set apart the moneys required to be set apart by section three of said chapter, and by section two of chapter four hundred and forty-four of the Laws of eighteen hundred and seventy-two, and make the apportionment therein and thereby directed to be made, and may from time to time, on or before the said first day of July, reconsider and again determine, and as often as may be necessary before said first day of July, redetermine any and every amount that has been heretofore or may hereafter be fixed, set apart or apportioned by the said board; provided that the total amount shall be within the limit now authorized by law, and at any time during said year may transfer any surplus remaining from any appropriation made as aforesaid to any department or purposes of the said city or county government, and found by the head of such department to be in excess of the amount required, to such other purposes as they shall find to require the same. Any of the powers of said board may be exer-

Provide as to total amount of tax.

cised by the concurring votes of a majority of all the members of said board.

§ 2. This act shall take effect immediately.

## Chap. 675.

**AN ACT** in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Hereafter all officers to be elected by the people in the city and county of New York, shall be chosen at the general election in November, except in cases where other elections may be authorized by law.

All officers to be elected in November.

§ 2. The days upon which the general or local election shall hereafter be held in the city and county of New York shall, for all purposes whatever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank-checks, and promissory notes, made after the passage of this act, be treated and considered as is the first day of the week, commonly called Sunday.

Election days legal holidays.

§ 3. At elections hereafter to be held in the city and county of New York, the boxes to be used in receiving the ballots thereat, shall be marked and numbered successively as follows: Number one, "President," number two, "general;" number three, "Congress;" number four, "Senator;" number five, "Assembly;" number six, "city;" number seven, "school;" number eight, "justices;" and at every election hereafter to be held in said city and county, such number of boxes marked as aforesaid, shall be furnished, as may be required by law, to receive the ballots to be used at such election.

Ballot boxes, how marked.

§ 4. The ballot for electors of President and Vice-President shall be the same as now prescribed by law, and, when folded, shall be indorsed or show on the outside the words "President, number one," to and be

Boxes to be furnished.

Ballot for President and Vice-President. How folded and indorsed.

Names of city and county officers except, etc., to be on one ballot, to designate name and office.

How indorsed.

Separate ballots for Rep. in Congress.

To designate name, etc.

How indorsed.

Separate ballot for Senator.

To designate name, etc.

How indorsed.

Separate ballot for member of Assembly. To designate name, etc. How indorsed.

Separate ballot for aldermen and asst. aldermen. To designate name, etc. How indorsed.

Separate ballot for com. pub. instruction.

To designate name, etc.

deposited in box number one. All other officers in whose election all the voters of said city and county alike participate, except those herein designated to be voted for on separate ballots, shall be voted for upon one ballot, which upon the face thereof shall contain a designation of the offices, and the name or names of the person or persons to be voted for, or such of them as any voter may desire to vote for, and which, when folded, shall be indorsed or show upon the outside thereof the words "general, number two," and to be deposited in box number two. The name of the person designated for representative in Congress shall be on a separate ballot, which upon the face thereof shall contain a designation of the office and the district for which the officer is to be elected; and which, when folded, shall be indorsed or show upon the outside thereof the words "Congress, number three," and to be deposited in box number three. The name of the person designated for Senator shall be on a separate ballot, which, upon the face thereof, shall contain a designation of the office and the district for which the officer is to be elected, and which, when folded, shall be indorsed, or show upon the outside, thereof, the words "Senator, number four," and to be deposited in box number four. The name of the person designated for member of Assembly shall be on a separate ballot which, upon the face thereof, shall contain a designation of the office and the district for which the officer is to be elected, and which, when folded, shall be indorsed or show upon the outside thereof, the words "Assembly, number five," and to be deposited in box number five. The names of the persons designated for aldermen and assistant aldermen shall be on a separate ballot, which, upon the face thereof, shall contain a designation of the office, and the district for which the officers are to be elected, and which, when folded, shall be indorsed, or show on the outside thereof, the words "city, number six," and be deposited in box number six. The names of the persons designated for commissioners of public instruction shall be on a separate ballot, which, upon the face thereof, shall contain a designation of the office and the senate district for which the officers are to be



electd, and which, when folded, shall be indorsed, or show on the outside thereof, the words "commissioners of public instruction, number seven," and be deposited in box number seven. The names of the persons designated for police justice and justice of the district court shall be upon one ballot, which ballot, upon the face thereof, shall contain a designation of the office, and the district for which the officers are to be elected, and the name or names of the person or person to be voted for, or such of them as any voter may desire to vote for, and which, when folded, shall be indorsed, or show upon the outside thereof, the words "justices, number eight," and be deposited in box number eight.

How indorsed.

One ballot for police justice and district courts.

To designate name, etc.

How indorsed.

§ 5. At all elections hereafter held in the city and county of New York, the polls shall be opened at six o'clock in the morning, and close at four o'clock in the afternoon.

Polls open at 6 A. M. and close at 4 P. M.

§ 6. At every election hereafter held in the city and county of New York, the election and canvass of the votes cast thereat shall be in all respects conducted in conformity to the provisions of the general election laws of this State, except as in this act otherwise provided.

Elections to be conducted in conformity with general election laws.

§ 7. It is hereby made the duty of "the board of police" of the city of New York, on or before the first day of August, eighteen hundred and seventy-two, to establish a bureau in the office of the department of police, in the city and county of New York, to be known and designated as the bureau of elections. The affairs of said bureau, shall, under and subject to such rules, regulations, and orders as may from time to time be made and adopted by said board of police, be managed, conducted, and carried on by a suitable and proper person, to be chosen and selected by said board, who shall be known as the chief of the bureau of elections, shall hold office for the period of three years, and whose salary shall be fixed and paid by said board, at such sum as they shall deem proper, not exceeding five thousand dollars, and shall be removable by the board of police for cause.

Board of police to establish bureau of elections.

To appoint a chief of the bureau of elections.

Term of office and salary.

Removable for cause.

Board of  
police to  
prepare  
books for  
registra-  
tion o  
names and  
facts.

To con-  
tain the  
name of

street and  
No. of

dwelling.

Names of  
all male  
male per-  
sons in  
dwellings.

Registers,  
how ruled,  
and of  
what size.

When  
used.

§ 8. It shall also be the duty of " the board of police " to at once cause to be prepared books for the registration of names and facts required by this act. Said books to be known by the general name of registers, and to be so arranged as to admit of the entering, under the name of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such other definite description of the location of the dwelling-place as shall enable it to be readily ascertained, found, and located, of the names of all male persons resident in each dwelling in each of said districts who shall apply for registration. Said register shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this act, and shall be of such size as to contain not less than seven hundred names, and so prepared as that they may be used at each election in the city and county of New York, until such time as is in this act provided for the succeeding general registration, and shall, on the inside, be in appearance and form as follows, to wit;

## REGISTER OF VOTERS.

[illegible]

Board of police to divide Assembly districts into election districts.

Each district to contain 250 votes.

Such districts not to be changed except, etc.

When to re-district on same basis.

§ 9. It shall be the duty of "the board of police," on or before the first day of September, in the year one thousand eight hundred and seventy-two, to divide the several Assembly districts in the city and county of New York into election districts, so that each election district shall contain, as near as practicable, two hundred and fifty voters; and it shall not be lawful for said board to thereafter alter or change either the number or boundaries of any election district so fixed by them, save in such years as by law the said city and county is re-districted by Assembly districts, and in such years as the usual and customary national enumeration of citizens in said city and county is had and taken, when a general re-districting of said city and county, upon the same basis as to number of voters as is in this section above provided, shall be made by Assembly districts at least as early as the twentieth day of September in said years.

Duties of the chief of bureau of elections to keep certain papers and prepare and furnish books and stationery, etc.

To have custody of, and keep all records, papers, etc.

To issue registers in certain cases.

To appoint a chief clerk.

§ 10. It shall be the duty of the chief of the bureau of elections to receive, file and preserve in his office all resolutions, orders, rules and regulations of said board of police, pertaining to or in anywise affecting the conduct of the affairs of his bureau; to prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks and instructions for the use of the inspectors of election and the board of county canvassers; to provide for the furnishing of such officers therewith and with all necessary supplies; to have and retain the custody of all registers and copies thereof provided for in this act, all oaths of office and of removal, and all records, papers and certificates of every kind and nature pertaining to the affairs of his bureau, the conduct of any registration of electors, revision thereof, or of any election; and to have charge of the fitting up of all polling places. The said chief shall, for any revision of any general registration, issue to each of the inspectors of election, in each election district in the city and county of New York, one of the registers of said district in use therein at the preceding election, and returned to and filed by him in his office.

§ 11. The chief of the bureau of elections shall have the right, subject to the approval of the board of police,

to appoint a chief clerk, who shall receive a salary not exceeding two thousand dollars per annum. Such other clerical assistance as, in the judgment of said board, shall be necessary and proper for the faithful performance by the bureau of elections of the duties in this act imposed, shall be furnished by said board by detail from among the patrolmen under its command.

**Salary.**  
Board to furnish other clerical force from among patrol men.

§ 12. On the organization of the bureau of elections, as hereinafter provided, all documents, returns, maps, books, accounts, forms, papers, and records of every description filed in, or belonging to the bureau of elections heretofore established, shall be transferred to the custody of the bureau in this act contemplated, and filed therein; and on such organization, the said bureau of elections heretofore established by authority of section seventeen of the act, chapter one hundred and thirty-eight of the Laws of eighteen hundred and seventy, entitled "An act in relation to elections in the city and county of New York," and the act or acts amendatory thereof, shall be and the same hereby is abolished.

Former bureau of elections to deliver to this bureau all documents, papers, etc.

Former laws repealed, and old bureau abolished.

§ 13. All inspectors of election and poll clerks in the city and county of New York shall hereafter be selected and appointed by the board of police, who shall also have power to make all necessary removals and transfers, and fill all vacancies which may, from any cause, arise. It shall be the duty of the said board of police, in the months of August and September in the year one thousand eight hundred and seventy-two, and annually in the months of August and September in each succeeding year for each election district in said city and county, to select to serve as inspectors of election, four persons (two of whom, on State issues, shall be of different political faith and opinions from their associates, and those appointed to represent the party in political minority on State issues in the said city and county, to be named solely by such commissioner, or such of the "commissioners of police" in said board as are the representatives of such political minority), who shall be citizens of the United States and of the State of New York, of good character, and able to read, write, and speak the English language understandingly, quali-

Inspectors of elections and poll clerks appointed, etc., by board of police.

Appointments to be made in August and September.

Four inspectors to each district, two of each party.

Commissioners of police of minority party to name inspectors for each district.

Qualifications.	<p>fied voters in said city and county, and not candidates for any office to be voted for by the electors of the district for which they shall be selected; but no person shall be required to be a resident or voter in the election district for which he shall be appointed an inspector.</p>
Manner of appointment.	<p>The persons so selected shall be notified, examined as to their qualifications, and, if approved, shall each take and subscribe before the chief of the bureau of elections or the chief clerk thereof, within twenty days from the date of notice of appointment, the following oath of office:</p>
Oath of office.	<p>I, _____, residing at No. _____, in the city of New York, do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of New York; and that I will faithfully discharge the duties of the office of inspector of elections for the _____ election district of the _____ Assembly district of the city of New York, according to the best of my ability; and that I am a citizen of the United States and of the State of New York, a qualified voter in the city and county of New York, and not a candidate for any office to be voted for by the electors of the district for which I am appointed an inspector.</p>
Certificate of appointment.	<p>Whoever shall be nominated, approved, and sworn into office as an inspector of election shall receive a certificate of appointment from the board of police, said</p>
Form of.	<p>certificate to be in such form as shall be prescribed by the said board, and to specify the Assembly and election districts in and for which the person to whom the same is issued is appointed to serve, and the date of</p>
Term of office.	<p>expiration of his term of office. The inspectors of election, appointed under the provisions of this act, shall hold office for one year, unless sooner removed for</p>
Removals from office, manner of proceeding in.	<p>want of the requisite qualifications, or for cause, in either of which cases such removal, unless made while the inspector is actually on duty on a day of registration, revision of registration, or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. Provided that any</p>

inspector of election who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired term of his predecessor. And that no inspector of election or poll clerk shall be transferred from one election district to another after he has entered upon the performance of his duties.

To hold only during unexpired term.  
No inspector or poll clerk to be transferred.

§ 14. Any person applying to register or offering to vote, or who is registered, may, on any day of any general registration, revision of registration or of election, be challenged by any qualified voter in the city and county of New York, and either of the inspectors of election, in any election district in said city and county, may, at any authorized meeting of the board, and one of them shall administer to any person so challenged the oath or oaths provided by law to test the qualification of challenged electors; and either of said inspectors may, at any such meeting, administer to any applicant for registration the oath or oaths provided in this act to be administered to and taken by any such applicant, and may also administer to any elector of the election district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, or to vote, the following oath: "You do swear or affirm that you are an elector of this election district, that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be registered as a voter in this district."

Applicant for registration may be challenged.

In such case oath to be administered.

Also to witnesses.

Form of oath.

§ 15. Two persons of different political faith and opinions, on State issues, and possessing the other qualifications required by this act of inspectors of election, shall be, in all respects, similarly named, selected, notified, examined, appointed, commissioned and sworn as poll clerks in and for each election district in the city and county of New York. They shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of election, and shall receive a like certificate of appointment.

Poll clerks, how appointed.

Term of office of.

§ 16. Whenever, from any cause, there shall exist a vacancy in the office of inspector of election or poll

Vacancies in office of inspectors

and poll  
clerks.  
how filled.

clerk, the person appointed to fill such vacancy shall be named by such commissioner, or such of the commissioners of said board of police or his successors or their successors as named the inspector or poll clerk in whose place any such person is designated.

Inspectors  
and poll  
clerks,  
compensation of.

§ 17. Inspectors of election and poll clerks appointed in pursuance of the provisions of this act, shall each be entitled to receive five dollars per day for each day's service at any registration or revision of registration, and seven dollars per day for service on the day of any election, which compensation shall be paid on the certificate of the chief of the bureau of elections as to the period of service; but no payment shall be made to any person as an inspector of election or poll clerk who shall not have taken, subscribed and filed the oath or affirmation required herein, and who shall not, during the period of his service, have fully complied with all the requirements of law in any wise relating to his duties, and the acting of any such person, in either of said capacities, without having taken, subscribed and filed the said oath or affirmation, shall be deemed to be, and punished as a misdemeanor. Inspectors of election and poll clerks, during the time they shall hold such offices, shall be exempt from the performance of military and jury duty.

How certified and paid.

No payments to be made in certain cases.

Acting as  
inspector  
or poll  
clerk, in  
certain  
cases a  
misdemeanor.  
Exempt  
from military  
and jury duty.

Persons  
notified of  
appointment must  
appear  
before  
chief of  
bureau of  
elections.

To serve  
unless  
excused.

Penalty  
for  
refusing.

Failure to  
perform  
duties

§ 18. Each and every person selected and notified by the board of police as its choice for the office of inspector of election, shall, on the receipt of notice thereof, appear, within ten days thereafter, before the chief of the bureau of elections, for the purpose of examination, and, if found qualified, shall, unless excused by said board, by reason of ill health, or other good and sufficient cause, be bound to serve as such officer at every election for the term of one year from the date of his appointment, and in case of neglect or refusal to comply with the above requirements, or to serve or act, shall be liable to a penalty of one hundred dollars, recoverable by the said board by civil action, in any court of record, in the name of the treasurer of the board, and for the use and benefit of the police fund. And a failure on the part of any such person to present himself for examination, or to comply with any of the



requirements of this act preliminary to receiving his certificate of appointment within the time prescribed, or to attend on the day of any registration or revision of registration or the day of any election during said term, unless prevented by sickness or other sufficient cause—the burden of proof of which shall be upon the delinquent—shall be deemed a refusal within the meaning of this section.

deemed a refusal.

§ 19. The inspectors of election in each election district in the city and county of New York, while discharging any of the duties imposed upon them by this act, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration, revision of registration, or election, during the time of any registration, revision of registration, election, or canvass, estimate, or return of votes; to keep the access to such place open and unobstructed; to prevent and suppress riots, tumults, violence, disorder, and all other improper practices, tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration, or voting, or the canvass, estimate or return of votes, and to protect the voters, challengers, and persons designated to watch the canvass of any ballots, from intimidation or violence, and the registers, poll books, boxes, and ballots from violence and fraud; and to appoint or deputize, if necessary, one or more electors to communicate their orders and directions, and to assist in the enforcement thereof.

Inspectors to preserve order, etc., at places of registration and polls of election.

Suppress riots.

Protect voters and challengers.

May appoint electors to assist.

§ 20. Hereafter, there shall, in the city and county of New York, be a general registration of the qualified voters resident in each election district in said city and county at the times hereinbelow provided, and then only: On Tuesday four weeks, the Wednesday of the third week, and the Friday and Saturday of the second week preceding the day of the November election, in the year one thousand eight hundred and seventy-two, and thereafter on the same days of the week and at the same intervals of time preceding the day of the November election in each year. For each and every election held in the city and county of New York, other than

Future general registrations to be had.

On what days.

Revisions of registration for

other  
elections.

such as above designated in this section, there shall be a revision of the general registration had, as provided in this act, which revision shall be made on the Friday and Saturday of the second week preceding the day of each and every such election.

Inspectors  
of election  
shall  
meet.

§ 21. The inspectors of election appointed pursuant to the provisions of this act shall, at the times in this act designated for a general registration, meet in their respective election districts, at the places which, as provided in this act, shall be designated therein for such meetings, and at such times in each election district, the said inspectors of election shall openly and publicly do and perform the following acts, viz.:

How to  
organize.

1. They shall organize, as a board, by selecting one of their number to act as chairman; but in case of a failure to so organize within fifteen minutes after the time fixed for the meeting, the chairman shall be selected by lot.

Receive  
applica-  
tions for  
registra-  
tion from  
persons  
who  
personally  
apply.

2. They shall receive the applications for registration of such male residents of their several election districts as then are, or on the day of election next following the day of making such applications, would be, entitled to vote therein, and who shall personally present themselves and such only.

Remain in  
session  
from 8  
A. M. to 9  
P. M.

3. They shall remain in session on each of said days, between the hours of eight o'clock in the morning and nine o'clock in the evening, and shall administer, to all persons who personally apply to register, the following oath or affirmation, viz.:

Form of  
oath.

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this State."

Examine  
each  
applicant.  
Enter in  
register  
name and  
No. of  
street.

4. They shall then examine each applicant as to his qualifications as an elector, and, unless otherwise provided herein, shall immediately, and in the presence of the applicant, enter in the registers, to be made and furnished as provided in this act, the statements and acts below set forth, and in the manner following, viz.: First. Under the column "residence," the name and

number of the street, avenue or other location of the dwelling, if there be a number, but if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined; and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second, or such other floor as it may be, or the number or location of the room or rooms occupied by the applicant, and whether front or rear. Second. Under the column "address," the name of the applicant, giving the surname and christian name in full; but the names of all persons residing in the same dwelling to follow each other, and to be under the street and house number, or other description, as provided, of the dwelling. Third. Under the column of "sworn," the word "yes" or "no," as the fact shall be. Fourth. Under the column of "nativity," the State, country, kingdom, empire or dominion, as the fact shall be stated by the applicant. Fifth. Under the column of "color," the words "white" or "colored," as the fact shall be. Sixth. Under the subdivisions of the general column of "term of residence," the periods by months or years stated by the applicant, in response to the inquiries made for the purpose of ascertaining his qualification and filling such column. Seventh. Under the column of "naturalized," the words "yes" or "no," or "native," as the fact shall be stated. Eighth. Under the column of "date of papers," the date of naturalization, if naturalized, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this act. Ninth. Under the column of "court," the designation of the court in which, if naturalized, such naturalization was done, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance

Proceed-  
ings if  
more  
than one  
family in  
a house.

To enter  
No. of  
room or  
rooms  
occupied.

Name of  
applicant,  
how  
entered.

Nativity.

Color.

Term of  
residence.

Natural-  
ization,  
how design-  
ated,  
date of.

By which  
court.

Qualifica-  
tion and  
disqualifi-  
cations,  
how designa-  
ted.

Case of  
minors  
coming  
of age  
before  
election  
day.

Date of  
applica-  
tion, how  
entered.

Inspectors  
to meet  
for re-  
vision of  
registers  
and re-  
ceive the  
applica-  
tion of  
persons  
whose  
names are  
not on the  
registers,  
who on  
next  
election  
day would  
be voters  
in the  
district.

Proceed  
ings if  
applicant  
has moved  
into the  
district  
since last  
registra-  
tion day.

with the requirements of this act. Tenth. Under the column of "qualified voter," the words "yes" or "no," as the fact shall appear and be determined by at least three of the board of inspectors of election, it being, however, required of them to designate as a qualified voter any male person who, being otherwise qualified, shall not, at the time of making the application, be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his making application, and not later than the day of the election immediately following such time of applying. Eleventh. Under the column of "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election district.

§ 22. On the days and at the times in this act designated for any revision of any general registration, the duly qualified inspectors of election shall meet in their respective election districts, at the places which, in accordance with the requirements of this act, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts, namely: Each and every of the duties and requirements set forth in subdivisions one and three of section twenty-one of this act. They shall in each election district receive the applications for registration of such male residents of the election district, whose names are not then borne upon the registers thereof, as qualified voters therein, as shall personally present themselves, and who, on the day of election next ensuing, would be entitled to vote therein; and as to all applications made to them shall proceed therewith in the manner provided in subdivision four, of section twenty-one of this act, provided that if upon the examination, as in this act provided for, of any applicant for registration, it shall appear that he has, since the last day of any general registration of voters or revision thereof, in the said city and county of New York, moved into or become a resident of said election district, the said inspectors shall inquire from where such applicant removed or came from; and if it shall appear that such removal was from a place within the said city and

county, they shall inquire if, in the election district in which he resided at the time of the last preceding general registration (naming such time), or in which he has resided at any time subsequent thereto, he has been registered, or has applied for registration; and if he shall swear that he has not, then the said inspectors shall proceed with said application as with that of any other person who may apply to them; but if he shall swear that he has been so registered, the said inspectors shall, before further proceeding, require him to present to them a "certificate of removal," as provided for in this act so that his name shall not be upon the registers of two election districts; and upon the presentation to any board of inspectors of any "certificate of removal," the said board shall treat the person presenting the same in the manner provided in subdivision four, of section twenty-one of this act for applicants for registration.

Condi-  
tions to  
be com-  
plied with

Certificate  
of re-  
moval,  
effect of.

§ 23. Any person who shall at any time, as provided in this act, have personally applied to the inspectors of election in any election district of the city and county of New York for registration, and shall have in the registers thereof been entered as a qualified voter, and who shall at any time prior to the close of any general registration or revision of registration, have removed from the dwelling place under which he shall, as a resident, be borne upon the registers, may, upon any day provided in this act for meetings of the inspectors of election, other than the day of any election, personally appear before the said inspectors in the election district in which he resided at the time his name was entered upon the said registers, during the hours in this act provided for their sessions, and publicly take and subscribe, before one of said inspectors, the following oath or affirmation, which shall be known as an "oath of removal:"

Persons  
removing  
from one  
dwelling  
to another  
to person-  
ally apply  
to the  
board of  
inspect-  
ors.

"I, \_\_\_\_\_ residing at number \_\_\_\_\_ in the  
election district of the \_\_\_\_\_ Assembly  
district of the city and county of New York, do solemnly  
swear (or affirm) that I am duly entered in the  
registers of said election district, from said residence,  
as a qualified voter, and that I have removed my place

Form of  
oath.

of residence to number                      in the                      election district of the                      Assembly district of said city and county, and I do hereby request that the proper entries and records be made as the same are provided for by law, and that a 'certificate of removal' be furnished me at this time."

Oath to be filed in the bureau of elections.

Case to be examined.

In case of removal within same district, entries to be made.

That upon such oath or affirmation being made and subscribed as herein provided, it shall be the duty of the said inspectors to carefully preserve the same, and file within twenty-four hours after the close of any general registration or revision of registration in the bureau of elections. And upon any such person, so taking and subscribing said "oath of removal," the said inspectors of election, if satisfied of the identity of the person making the same, with the person he claims to be, as the description of said last mentioned person shall appear on the registers, and if not satisfied therewith, shall at once, by a police officer present, or by any one whom said board shall especially authorize, make an examination and inquiry at the place of residence of said person, as the same shall be entered upon the registers, as to the fact of the removal of such person from said dwelling place, when, if his removal therefrom shall be found by the report of such person to be a fact, shall immediately proceed to strike from said registers, the name of such person, by entering in each of the registers, opposite to and against the name of any such person, and in the column headed "why disqualified," the word "removed," in the column headed "date of erasing name," the month, day, and year of such striking from said registers such name, and in the column headed "remarks," the words "transferred to," together with the number of the election and Assembly districts, to which such person shall in his "oath of removal" state he has removed, and the initial letters of the name of the inspector who shall in each of said registers make such entries. And shall, through the name of any such person, as the same shall appear on said registers, and there only, draw a line as indicative that such name is erased from the registers of that election district, and the name of any such person so found stricken and erased from said registers,

shall, as to his name and residence at the place in said registers entered under the column of "residence," be thereafter considered by the "bureau of elections," all inspectors of election, and all other election officers to be stricken from the registers of that election district, and shall be treated as if never entered thereon. If the dwelling-place to which any such person shall have removed, be within the boundaries of the same election district, as was his former residence, as stated in the registers of said election district, the said inspectors shall in said registers, under the number or other description of the dwelling-place to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures as prior to the striking from or erasing of the name of such person in the manner in this section above provided, were in the columns similarly headed and opposite to and against the name of each person as upon said registers, it appeared under the dwelling-place from which he shall have declared he has removed; and if the dwelling-place to which any such person shall have removed, shall be within the boundaries of any other election district, than was the residence, under which he was previously entered on said registers, the said inspectors of election shall fill up, sign, and deliver to such person a certificate, which shall be known as a "certificate of removal," and shall be in the words and figures following, to wit:

Re-entry of the name in same district register.

In case of removal out of the district into another, inspectors of former district to issue certificate of removal.

"CERTIFICATE OF REMOVAL."

Polling place of the election district,  
 Assembly district city of New  
 York, 18 . To the board of  
 inspectors of election, election dis-  
 trict, Assembly district.

Form of certificate.

This is to certify that the name of  
 heretofore residing at  
 in this election district, has been by us,  
 the inspectors of election in this district, stricken from  
 the registers of this district and the proper erasures  
 made upon the "oath of removal" and at the request  
 of said above-mentioned person; and that upon the

registers of this election district were entered as to him the following statements:

Name	Residence
Sworn	Nativity
Color	Term of Residence
Assembly District	County
State	Naturalized
Date of Papers	Court
Qualified Voters	Date of Application

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Inspectors of election to enter in "public copy" and "election bureau copy" of register all entries of that day.

Books of register to be compared each day.

Each copy to be certified and "election bureau copy" filed.

On last day of revision, copies of registers

§ 24. The inspectors of election in each election district shall, on each day of any general registration, before adjourning, enter in each of two books prepared for that purpose, one of which shall be known as a "public copy" of the registers, and the other of which shall be known as the "election bureau copy" of the registers, all such names and residences, and all such data, information, and statements as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole six books shall, on each of said days, after the completion of such copies of the registers, be carefully compared throughout, so that each of the registers and the copies thereof shall, in every respect, agree with each other, and contain the name and residence of each person who shall have applied for registration, and the facts respecting him as the same shall have been stated by him and entered in the registers, as provided in this act. The said inspectors shall, on the last day of any general registration, certify each of said copies in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of any such general registration shall file the "election bureau copy" of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved. And the said inspectors shall, on the last day of any revision of registration, before adjourning make a copy of the registers as they shall then be



made up for the election next ensuing, which copy shall be marked, and known as a "public copy," and shall be certified as a copy of the original registers as then existing for the election next ensuing; and they shall also make, fill, and certify, in blanks to be prepared and furnished for that purpose, the name and all such other particulars as shall be entered against or opposite to the name of any person\* which have been once entered upon their registers, shall have been, on the days of any such revision of registration for any reason stricken therefrom, as provided in this act, together with the name and all such other particulars as shall be entered against or opposite to the name of any person who shall, on any such day of revision, have been added by them to the said registers, and said blanks so filled up and certified, shall, within forty-eight hours after the close of any revision of registration, be left by one of said inspectors at the bureau of elections; and it shall be the duty of the chief of the bureau of elections to immediately enter, or cause to be entered, in the election bureau copy of the registers of each election district, on file in his office, all the proper and necessary entries requisite to make said copy conform to said registers, and be always a copy thereof.

SEC. 25. The inspectors of election in each election district in said city and county of New York on each day of any general registration, or revision of registration, and before adjourning, shall, on each of the registers, and on each copy or copies thereof, as in this act it is provided shall on each of said days be made or kept, draw in ink immediately below the last name entered underneath each dwelling-place and below the last written words and figures entered opposite to or against such last name in each column, save that of "residence," a heavy line as indicative of the fact that the entering of names on the said registers for the day mentioned in the column headed "date of application," and opposite to or against the name of the last person entered under any dwelling-place there ceased.

§ 26. The inspectors of election in each election district in the city and county of New York, shall, in a

to be made to be marked "public copy," and certified.

Also make, fill and certify blanks containing names, etc., of all persons stricken from or added to the said registers.

To be left at bureau of elections.

Entries to be made in "bureau copy of registers."

All registers at the close of each registration day to be ruled off after the last name entered to prevent false entries.

Inspectors to make certificates.

\*So in the original.

Form of  
general  
registra-  
tion.

place to be provided therefor on each of the registers required in this act, fill up, date, and each sign with his name and place of residence the appropriate and proper certificate, which shall be either printed or written, and for a general registration shall be in the words and figures following, to wit: " We, the under-

signed inspectors of election, in the election district of the \_\_\_\_\_ Assembly district of the city and county of New York, do jointly and severally certify that at the general registration of voters held in the said election district, on the \_\_\_\_\_ days of \_\_\_\_\_ and the

\_\_\_\_\_ days of \_\_\_\_\_ in the year \_\_\_\_\_, there were registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered qualified voters was and is \_\_\_\_\_

Dated, New York, \_\_\_\_\_, 18 \_\_\_\_\_.

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Form of  
revision of  
registers.

And for a revision of any general registration, said certificate shall be in the words and figures following, to wit: We, the undersigned inspectors of elections in the \_\_\_\_\_ election district of the

Assembly district of the city and county of New York, do jointly and severally certify that at the revision or the last general registration of voters held in said election district, on the \_\_\_\_\_ days of \_\_\_\_\_, in the year of \_\_\_\_\_ there were by us added to the registered, qualified voters of said election district, the names which in the registers are so entered as of the said days, and that such number was and is \_\_\_\_\_

and that there were stricken from the registered qualified voters of said election district, the names which in the register appear on said days to have been stricken off and erased in the manner prescribed by law, and that such number was and is \_\_\_\_\_ leaving the total number of registered qualified voters in said election district for the

next ensuing election , which  
is the number of names now borne in this book as such  
qualified voters for such election.

Dated, New York, , 18

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§ 27. The inspectors of election in each election district in the city and county of New York, shall, after making and signing either of the aforesaid certificates, retain and carefully preserve all the said registers provided for in this act—each inspector retaining the book which he made, or of which he had the custody and care on the days of any registration or revision of registration—for their use on the day of the next ensuing election. The “public copy” of the registers they shall, at the close of their proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave suspended in the place where such registration or revision of registration was conducted, where it shall be and remain until the next meeting of the said inspectors, whether such meeting be for the purpose of registration, revision of registration, or election, to the end that the same may be inspected and copied by any elector in said city and county. But on the day of any election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, returning it to the chief of the bureau of elections, as provided in this act, for the return of the register kept by him, and with said register; and said copy shall be by the said chief of the bureau of elections retained and preserved and filed in said bureau.

Inspectors  
to retain  
each a  
copy of  
register  
for use on  
election  
day.

Public  
copy of  
register,  
when and  
how to be  
suspend-  
ed.

How dis-  
posed of.

§ 28. The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling-place in said district the registers provided for in this act. They shall each make use of one of said

Registers  
to be used  
on elec-  
tion day.

No vote to be received unless name found on 3 registers. At the polls the name of each voter to be announced.

No vote to be received until 3 inspectors have found the name of voter on registers, etc.

If vote is received, 3 inspectors shall mark the names on the registers.

Inspectors to note votes received in contravention of this section, and the names of the inspectors.

Registers to be compared on close of polls and certified and left at bureau of elections to be filed and preserved.

No inspector to part with possession of the registers until filed or delivered to successor.

registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least three of them to be upon at least three of the said registers as a qualified voter. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors, shall, upon any person offering to vote announce in a loud, clear, and distinct manner the name of such person, and no ballots shall be received by either of the inspectors, or deposited in any of the ballot-boxes until at least three of the said inspectors shall, as herein above provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter; when, if the vote of said person is received, at least three of the inspectors shall write in the appropriate column bearing the heading "Voted," and opposite to the name and residence of such person, the word "Yes." It shall be the duty of each of the inspectors to note on the register in his possession, in a suitable and separate part thereof, the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of this section, and the name of the inspector, or inspectors, if any, who shall so receive or deposit in the ballot-boxes or either of them, any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they served, to leave said registers at the office of the chief of the bureau of elections, whose duty it shall be to file and preserve the same, as provided in this act. And in no election district in the said city and county shall any inspector, who has custody or charge of either of the registers in this act provided for, ever permit said register to leave his possession from the time of receiving custody of the same, until he shall file the same as provided in this act, save in the event of his resignation

or removal, and the appointment as provided in this act of his successor, when he shall promptly surrender and turn over the same to him.

§ 29. The chief of the bureau of elections shall from time to time and at all times have full power and authority to make or cause to be made such full, complete, and accurate copies as he shall deem necessary, of the records of the names, residences, age, date, and cause of death of each male person who shall die in the city and county of New York, as the facts in respect to such death shall be furnished to, or the said records shall be kept by, the "register of records," in the department of police or board of health in the city of New York, and shall keep, preserve, and file in his office all such copies of said record.

Chief of election bureau to copy records of deaths of voters and keep the same in his office.

§ 30. It shall be the duty of the chief of the bureau of elections from time to time, as he shall obtain the names and facts as to death provided in the preceding section, to so arrange the names of all male persons twenty-one years of age and upward, who, by his records, appeared to have died subsequently to the passage of this act, as that alphabetical lists by Assembly districts, with residences, ages, and a full statement of all particulars may, at any time, be made therefrom; and from the names and facts so arranged, to have prepared and made, or printed, and to cause to be delivered to each inspector of elections in each election district in the city and county of New York, on or before the organization of the board of inspectors in each district on the first day of any revision of registration, an alphabetical record of the male persons twenty-one years of age and upward, who, in the Assembly district in which the election district in which the inspector is to serve, since the third day prior to the day of the last preceding election, and within at least five days prior to any such first day of revision of registration, have died. Said record shall be known and designated as a "record of deaths," and it shall be the duty of each of the inspectors of election, in each election district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody, to the end that it may be preserved,

To arrange the names of such deceased voters alphabetically by Assembly districts with residences, etc.

To furnish copy of such alphabetical record to each inspector.

To be called the "record of deaths."

Inspectors on receiving the "record of deaths,"

to attach same to registers.  
Registers to be corrected by "record of deaths," by proper entries under several hands, and drawing line through name.

and on the first day of any meeting of the inspectors of election in any election district, held for the purpose of a revision of registration, it shall be the duty of each inspector, as soon as the organization of the board of inspectors is completed, to examine the register in his custody, and as to the name of every person upon said registers, who, by said "record of deaths," shall, by a coincidence in respect to said name and facts, appeared to have deceased, and opposite to and against every such name, to enter, in the column headed "why disqualified," the word "dead," in the column headed "date of erasing name," the month, day, and year of such erasing; and in the column headed "remarks," the words "stricken from registers," adding against each such entry made in the column of "remarks" the initial letters of the name of the inspector making such entry, and through the name of every person so stricken from the registers, and then only, shall draw a line as indicative that such name is erased from the register of that election district.

Chief of bureau to prepare another "record of deaths."

Called "additional record of deaths."

To furnish copy to each inspector to be attached to registers.

On opening of the polls the registers to be corrected by the "additional record of deaths."

§ 31. It shall further be the duty of the chief of the bureau of elections to prepare by Assembly districts, in the manner set forth in the preceding section, an additional record of such deaths as shall have occurred subsequent to the date of the "record of deaths" provided for in the preceding section, and within at least three days prior to the day of any such local election held in the city of New York. Said record shall be known and designated as an "additional record of deaths," and a copy thereof shall, on or before the opening of the polls in each election district on the day of any such local election, be furnished to each inspector, who shall securely attach the same to the inside of his register, to the end that it may be preserved, and he have the same during the day of election with him at the polling place, and on the opening of the poll shall proceed to make the same examination, entries, letters, and lines as to the name of any registered person found upon said "additional record of deaths," as is provided for in the preceding section in the case of the name of a registered person found on the "record of deaths."

§ 32. The "record of deaths" and the "additional record of deaths," provided for in this act and furnished to each inspector, shall be left by him with the chief of the bureau of elections at the time and in the manner provided for the return of the register used by him on the day of any local election, and with such register.

"Record of deaths," and "additional record of deaths," to be filed with chief of bureau.

§ 33. From and after the passage of this act, it shall be the duty of each of the clerks of the courts of oyer and terminer and general and special sessions, to prepare, and, on or before the fifth day of each and every month, to file with the chief of the bureau of elections a certified record containing the name, residence and age of each and every person convicted in each of said courts respectively of an offense punishable by death or imprisonment in a State prison, during the month immediately preceding, stating the alias or aliases of every such person, if known; the offense with which charged; the action of the court; and, if sentenced, the sentence imposed, and whether confined in a State prison or penitentiary. Any clerk of either of said courts who shall fail, neglect, or refuse to comply with the provisions or requirements of this section shall, for each and every such offense, be deemed guilty of a misdemeanor.

From passage of this act clerks of courts to make monthly reports to chief of bureau of persons convicted of crimes punishable with death or imprisonment in State prison, stating names, etc.  
Neglect a misdemeanor.

§ 34. Any person who is a qualified voter in the city and county of New York, may, upon any day of registration, or revision of registration, or of election, challenge and contest the right of any person to be registered in any election district, or to vote at any poll in the said city or county, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to corrections of or additions to their registers.

Qualified voters, on days of registration and election, may challenge and contest the right to register or vote.

§ 35. Hereafter "the board of police" of the city of New York shall designate and appoint the place of registry and polling-place in each of the election districts of the city and county of New York, and shall hire all such places, and cause the same to be fitted up, warmed, lighted, and cleansed, and the work of registration shall be carried on at the places so designated for such purposes. But, in each election district, such place shall be in the most public, orderly, and convenient portions of the

Board of police to designate, hire, fit up, warm, and light all polling-places.

Polling-places to be in most

public, orderly, and convenient part of district, but not in any building where liquor is sold or has been sold within 60 days.

Space in front of ballot-boxes.

Each political party to have challengers at places of registration and election.

To be protected

May be removed and vacancies filled in each party.

No person shall register in one district till erased in another.

Concurrence of majority of inspectors required.

Inspectors and poll clerks held to be

district, and no building or part of building shall be designated or used as a place of registry, revision of registration, or polling-place, in which, or in any part of which, spirituous or intoxicating liquor is sold, or has been sold within sixty days next preceding the time of using the same; and no place shall be designated or used for any such purpose without the same shall be well lighted with gas—unless there shall no place in the district be obtainable which is so lighted—and the unoccupied space allowed in front of the ballot boxes, in any polling-place, shall be equivalent to a room at least twelve feet square.

§ 36. At every election held in the city and county of New York, each political party shall have the right to designate, place, and keep a challenger at each place of registration, revision of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the inspectors of election and the police. Each political party may remove any challenger appointed by it, and all vacancies which, from any cause, shall arise, shall be filled by the same party, power, and authority as conferred the original appointment.

§ 37. No person who is registered in one election district, shall register, or cause himself to be registered, in another district, while any prior registration remains unerasd, or in any other manner than is in this act provided.

§ 38. For all powers, authority, and duties in this act prescribed for or conferred upon, and all action required of inspectors of election or of a board of said inspectors of election, \*or a board of said inspectors, save where such authority or action is specifically allowed to each of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained.

§ 39. The several offices of inspectors of election and poll clerks, in this act named and created, are and shall be in all courts and proceedings deemed and held res-

\* So in the original.



pectively to be election district offices, and it shall be the duty of the said inspectors of elections and poll clerks respectively, or of a majority of the said inspectors, to be in constant attendance during the hours and times fixed for the discharge of their several duties.

election district officers.

Attendance to duty.

§ 40. All data and statistics, and all registers, poll-books, and records of every kind and nature which, under this act, or under any law of this State, or which in compliance with any direction, resolution, or order of "the board of police" of the city of New York are or may be required to be made, ascertained, or kept by, or returned to or filed with either the chief of the bureau of elections or the "register of records," in the board of health, shall at all times, during office hours, be open to the inspection, examination, comparison, and copying of any citizen or elector, free of any charge whatsoever.

Data, statistics, registers, books, papers, etc., shall be during office hours open to inspection.

§ 41. Any inspector of election, poll-clerk, or other officer of elections, or any challenger appointed in compliance with the provisions of this act, or any person designated as provided in this act to be present at the canvass of any ballots, shall at any time between the Tuesday five weeks preceding the day of any general or local election held in the city or county of New York, and ten days after the first official promulgation by the board of county canvassers of the canvass, declaration, and certificate of the result of any such election, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act, upon any day of registration, revision of registration, or election, and to make full inquiry respecting any and every male resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualification as a voter; but the power and authority by this section conferred upon any inspector of election, poll-clerk or other officer of election, or any challenger or person designated to watch the canvass of ballots, shall wholly cease upon his resignation or removal from the office or position to which he was appointed, or for which he was designated.

Officers of election, etc., shall, during a certain period, have full power and authority to canvass his district and to make full inquiry, etc., into qualification of male residents to vote.

Such power to cease with his term of office.

Special election in a portion of the city, same registration as if it were a local election throughout the city.

§ 42. If at any time after the first general registration of voters had and made under the provisions of this act, a special election shall be held in any portion of the city and county of New York, the same revision of registration shall be had and made for any such portion of said city and county, and at the same intervals of time and times preceding the day of any such special election, and in the same manner as if the said election was a local election in, for, and throughout the said city and county, and each and every of the provisions of this act not inconsistent with the terms of this section, shall apply with as full force and effect to any such special election or revision of registration therefor, as if the same was for a local election in, for, and throughout the said city and county.

Street numbers not to be altered save between 1st May and 1st October.

§ 43. Hereafter it shall not be lawful for any of the authorities, officers, or agents of the city or county government, in the city and county of New York, to number or renumber any street, avenue, alley, lane, road, or way in the city or county of New York, or to in anywise change or alter any such number, save between the first day of May and the first day of October of any year.

Registered persons not voting to be marked on registers.

§ 44. In each election district in the city and county of New York, it shall be the duty of the inspectors of election to immediately, after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in any box, and while the poll-clerks are canvassing their books, to write in ink opposite to and against the name of each person entered in their registers, who is not shown by said registers to have voted, and in the column headed "voted," the word "no," so that the said column may be wholly filled up, and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparison and ascertained such fact, the chairman of the board of inspectors, or, in his absence, the inspector acting as such, shall announce the same in a loud voice.

Number of persons voting to be ascertained and proclaimed at each poll.

Poll-list books to be kept.

§ 45. The poll-clerk at each poll in the city and county of New York, shall keep in ink a poll-list, in

books to be prepared and furnished for that purpose, and shall contain a column headed "residence," a column headed "name of voter," and as many additional columns as there are boxes kept at the election. The headings of the additional columns shall correspond respectively, with the names and numbers of the boxes so kept.

What to contain.

§ 46. The poll-books referred to in the preceding section, shall be in forms as follows :

### POLL-LIST OF VOTERS.

.....ELECTION DISTRICT.....ASSEMBLY DISTRICT.

Form of poll-book.

NO.	RESIDENCE.	NAME OF VOTER.		REMARKS.
			(Here put in additional columns.)	

The residence of each elector voting shall be entered by each poll-clerk in the column of his poll-list headed "residence," and the name of each such elector in the column headed "name of voter," and opposite the residence and name of any such elector in each additional column provided for in the preceding section, and corresponding in its heading with the name and number of a box in which a ballot of the elector shall have been deposited, shall be written a check or mark similar to the letter V, and in each such additional column corresponding in its heading with the name and number of box in which no ballot of the elector shall have been deposited, shall be written the word "no." In the column of "remarks," opposite the name of each per-

What entries to be made therein.

son challenged, shall be noted the oath or oaths offered and taken by any such person.

At close of poll inspectors to canvass votes in public and without adjournment until completed.

No vote to be received, or counted or canvassed while the entrance is closed or obstructed.

What number to be present to witness canvass.

Each candidate may designate a person to be present.

To be protected.

§ 47. As soon as the poll of an election shall have been finally closed, the inspectors of election, in their several election districts, shall immediately, and at the place of the poll, proceed to canvass the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed, and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. No vote shall be received, nor shall any ballot be counted or canvassed, nor shall any statements of votes, announcement, or proclamation, in this act required, be made at any time when the main entrance to the room in which the election is held shall be closed in such a manner as to prevent ingress and egress, but the said inspectors may station one or more officers at such entrance to exclude disorderly persons; nor shall any such duties be performed unless at least six persons, if so many claim that privilege, are allowed to be present and so near that they can see whether the duties of the said inspectors are faithfully performed. Each candidate, for any office to be filled at the election, may, by a certificate in writing signed by him, designate one person for each election district in which he is a candidate, to be present at the canvass of the ballots containing the names of the persons designated for that office. The inspectors of election and the police or other officers attending at such election district specified in said certificate, shall make a passage for such person to the said inspectors, and the said inspectors shall permit him to be present at the canvass of all the ballots in the box containing the ballots for the office specified in the said certificate, and so near to them that he can see that such canvass and the statement required of the votes found in each box are correctly made. And no inspector of election, or board of inspectors, or police or other officer, shall allow such person to be molested or removed during the canvass of such ballots, or until such statement has been made, completed, and signed, unless he shall be personally guilty of fraudulent or disorderly conduct.

§ 48. The canvass shall commence by a comparison of the poll-lists, from the commencement, and a correction of any mistakes that may be found therein, and such comparison shall be continued until the poll-lists agree as to the number of ballots deposited in each box; when they have been made to agree, one of the inspectors shall publicly announce, in a loud voice, the number of ballots deposited in each box as shown by the poll-lists.

Canvass,  
how to  
com-  
mence.

Must be  
publicly  
announ-  
ced in a  
loud voice.

§ 49. The boxes shall then be opened, and the ballots therein canvassed, in the order prescribed in this section, and the canvass of the ballots found in one box shall be completed before another box is opened. The boxes shall be canvassed in the following order:

Boxes to  
be opened  
and can-  
vassed.

Order of  
canvass.

1. President.
2. General.
3. Congress.
4. Senate.
5. Assembly.
6. City.
7. School.
8. Justices.

§ 50. When a box is opened, the ballots contained therein shall be taken out and counted unopened, except so far as to ascertain that each ballot is single. If two or more ballots shall be found so folded together as to present the appearance of a single ballot they shall be destroyed, if the whole number of ballots exceeds the whole number of votes, as shown by the poll-lists, and not otherwise.

First duty  
on open-  
ing box.

Number of  
votes com-  
pared  
with poll-  
lists.

§ 51. No ballot properly indorsed, found in a box different from that designated by its indorsement, shall be rejected, but shall be counted in the same manner as if found in the box designated by such indorsement; provided that the counting of such ballot or ballots shall not produce an excess over the number of ballots deposited in the box, as shown by the poll-lists.

Ballots  
found in  
the wrong  
box, how  
treated.

§ 52. If a greater number of ballots shall be found in a box than is required by the correspondent columns of the poll-lists, all the ballots shall be re-

Proceed-  
ings in  
case of  
excess in  
ballots.

placed in the box, and one of the said inspectors to be designated by the board shall, without seeing the same, and with his back to the box, publicly draw out and destroy as many ballots unopened as shall be equal to such excess.

Process of  
canvassing.

Ballots to  
be opened,  
how  
arranged.

Order and  
manner of  
counting  
by three  
inspect-  
ors.

Poll-  
clerks,  
duty of.

Fourth in-  
spector,  
duty of.

Poll-  
clerks to  
compare  
tallies,  
and an-  
nounce  
the num-  
ber.

Further  
order of  
canvassing.

Split  
tickets,  
etc.

Scratched  
tickets,  
when,  
how, and  
by whom  
canvassed.

§ 53. The board shall then proceed to canvass and estimate the votes in the following manner: The said inspectors shall open the ballots, and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. One of the said inspectors shall then take the kind of ballots which appears to be the greatest in number and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner, and he shall then pass them to the third inspector, who shall also count them in the same manner. The third inspector shall then call the names of the persons named in the ballots, and the offices for which they are designated, and the poll-clerks shall tally the votes for each of such person. The fourth inspector shall watch the proceedings of the other inspectors and the poll-clerks, and at his option may perform the same duties in respect to the canvass as are prescribed for the third inspector, or, in case of the absence of a poll-clerk, may perform his duties. When the counting of each kind of ballots shall be completed, the poll-clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it, in a loud voice, to the inspectors. The kind of ballots which appear to be next greatest in number, and afterwards each of the other kind of ballots in succession shall then be canvassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the name of a person proper to be voted for on such ballots has been omitted or erased, usually called "scratched tickets," shall then be canvassed separately by one of the inspectors sitting between two of the other inspectors, which inspector

shall call each name to the poll-clerks, and the office for which it is designated, the other inspectors looking at the ballot at the same time, and the poll-clerks making note of the same. When all the ballots found in the box have been canvassed in this manner, the poll-clerks shall compare their tallies together and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce, in a loud voice, to the inspectors, the number of votes received by each candidate, on each of the kinds of ballots containing his name, the number received by him on the "split" and "scratched" tickets, and the total number of votes received by him. If, after the ballots in any box have been opened or canvassed, the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll-lists, the said inspectors shall return all the ballots into the box, and shall thoroughly mingle the same, and one of the inspectors to be designated by the board, shall, without seeing the same and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed; but if the ballots have been canvassed, the votes for the persons named therein shall first be deducted from the votes entered for such person on the tallies.

§ 54. The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind, corresponding in respect to the names of the persons thereon and the offices for which they are designated, have been received; and the result being found, the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made one ballot of each kind found to have been given for the officers to be chosen at such election; and they shall state in words at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be pasted or attached, the whole number of all the ballots that were received which correspond with the one so pasted or attached, so that one of each kind of the ballots received at such election for the officers then to be chosen, shall be pasted or at-

After canvass of box, poll-clerks compare tallies and announce number cast for each candidate on each kind of ticket.

Proceedings in case of excess of ballots in box.

A ballot of each kind to be pasted on each statement, and certificate to be made thereon.

Proceedings if only one kind of ballot is found.

If two only.

All ballots rejected as defective to be pasted to statement.

When ballots in any box are canvassed, proclamation to be made.

Proclamation evidence of result.

Triplicate statements of the result to be made, what to contain.

To be certified and subscribed on each sheet by inspectors and poll-clerks.

Inspectors declining to sign to state reasons.

tached to such statement of such canvass. If only one ballot of any kind shall be found in the box, it shall be pasted or attached to the statement to be delivered to the clerk of the board of supervisors, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the clerk of the board of supervisors, and the other to the statement to be delivered to the county clerk. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part, to the statement to be delivered to the clerk of the board of supervisors.

§ 55. When the canvass of the ballots found in any box shall have been completed, and the poll-clerks shall have announced to the inspectors the total number of votes received by each candidate, the chairman of the board of inspectors of election, or in his absence the inspector acting as such, shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in that box, and the office for which they are designated, and such proclamation shall be prima facie evidence of the result of the canvass of such ballots.

§ 56. The said inspectors shall make triplicate statements of the result of the canvass, and estimate of the votes. Each of the statements shall contain a caption, stating the day on which, and the number of the election district, and Assembly district, and the city and county in relation to which such statement shall be made, and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length; and at the end thereof a certificate that such statement is correct in all respects; which certificate and each sheet of paper forming part of the statement shall be subscribed by the said inspectors and poll-clerks. If any inspector or poll-clerk shall decline to sign any return, he shall state his reasons therefor in writing, and a copy thereof signed by him shall be inclosed with each return.



Each of the statements shall be inclosed in an envelope, which shall then be securely sealed with wax, and each of the inspectors and each of the poll-clerks shall write his name across every fold at which the envelope, if unfastened, could be opened, and across the seals thereon. One of the envelopes shall be directed on the outside to the clerk of the board of supervisors, another to the county clerk, and the third to the chief of the bureau of elections. Each set of tallies shall also be inclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the chief of the bureau of elections, and the other to the mayor. On the outside of every envelope shall be indorsed whether it contains the statement or the tallies, and for what election and Assembly district.

Statements to be inclosed, sealed with wax, and subscribed

To whom envelopes directed.

Tallies inclosed in same manner and directed to mayor and chief of bureau of election.

§ 57. Within twenty-four hours after the several statements shall have been subscribed, one of the said inspectors shall deliver to the clerk of the board of supervisors the statement directed to him; another inspector shall deliver to the county clerk the statement directed to him, and a third inspector shall deliver to the chief of the bureau of elections the statement directed to him. One of the poll-clerks shall deliver to the mayor the tallies directed to him, and the other poll-clerk shall deliver to the chief of the bureau of elections the tallies directed to him.

By whom and at what time deliveries of statements to be made.

Tallies, by whom to be delivered.

§ 58. The poll-lists kept at such election shall be certified, in writing, by both poll-clerks, to be a true and correct list of the votes cast at the said election, in their respective election districts, and within twenty-four hours of the close of the canvass shall be filed by such poll-clerks, the one in the office of the county clerk, the other in the office of the chief of the bureau of elections, and shall be there preserved.

Poll-lists to be certified and filed, one with county clerk, the other with bureau of elections.

§ 59. The remaining ballots, not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved.

Remaining ballots destroyed.

§ 60. In case any officer to whom any of the papers in the preceding sections are directed to be delivered, shall be absent from his office, the same may be delivered

Deliveries, how made.

Receipts  
to be  
given.

Receipts  
to be filed  
in office  
of comp-  
troller.

Envelopes  
filed with  
clerk of  
board of  
super-  
visors to  
be opened  
only by  
board of  
county  
canvass-  
ers.

Filed with  
county  
clerk.

Board of  
county  
canvass-  
ers, duty  
of.

How per-  
formed.

At regis-  
tration  
meeting,  
falsely  
personat-  
ing an  
elector or  
attempt-  
ing to  
register  
under the  
name of  
another,  
or a false  
name, or  
register in  
two dis-  
tricts, or  
attempt to  
register,  
not having

ered to the person authorized in such case to attend to his official duties, and the officer or person to whom any envelope containing any statement or tally, or to whom any register or copy thereof, or poll-list shall be delivered as in this act provided, shall give a receipt therefor to the inspector or poll-clerk from whom the same is received, and such receipt shall be filed by said inspector or poll-clerk in the office of the comptroller, before any payment for his services shall be made.

§ 61. The envelopes delivered to the clerk of the board of supervisors shall be kept sealed, and shall not be opened until the same are produced before the board of county canvassers, when they shall be opened for the canvassing of the returns, and when so opened, the presiding officer of the said board shall mark each separate sheet of the statements with the initials of his name.

§ 62. The envelopes delivered to the county clerk shall be kept sealed and unopened until the same shall be required to be opened by the board of county canvassers, or other lawful authority; and when so opened, the officer or person opening the same shall mark each separate sheet of the statement with the initials of his name.

§ 63. The board of supervisors of the county of New York shall be the board of county canvassers, and it shall be their duty to finally canvass, declare, and certify the result of every election hereafter held in the city and county of New York. Such canvass, declaration and certification shall be made and conducted under the existing provisions of law, not inconsistent with this act, so far as the same are applicable.

§ 64. If at any general registration of voters, or at any meeting of inspectors of election held for such purpose or for a revision thereof, as provided in this act, any person shall falsely personate an elector or other person, and register or attempt to offer to register, in the name of such elector or other person; or if any person shall knowingly or fraudulently register, or offer or attempt, or make application to register, in or under the name of any other person, or in or under any false, assumed, or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts; or, having registered in one dis-

trict, shall fraudulently attempt or offer to register in another; or shall fraudulently register, or attempt or offer to register in any election district not having a lawful right to register therein; or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, willfully, or fraudulently, by false personation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter in any election district to be erased or stricken from any registry of the voters of such district, made in pursuance of this act, or otherwise than is in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or be registered, from duly exercising such right; or who shall knowingly, willfully or fraudulently compel or induce, or attempt or offer to compel or induce, by such means, or any unlawful means, any inspector of election or other officer of registration, in any election district, to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed, or fictitious name, or any name of any person, except as provided in this act; or shall knowingly or willfully or fraudulently interfere with, hinder, or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise, or induce, or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same; or shall aid, counsel, procure, or advise any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison not less than one nor more than five years.

right, or aid and procure, etc., or hinder, or delay persons having lawful right, etc., or interfere with election officers, etc., is a felony

How punished.

§ 65. If, at any election hereafter held in the city and county of New York, any person shall falsely personate any elector or other person, and vote, or attempt

Certain acts at elections declared felonies.

or offer to vote in or upon the name of such elector or other person; or shall vote or attempt to vote in or upon the name of any other person whether living or dead, or in or upon any false, assumed, or fictitious name, or in or upon any name not his own; or shall knowingly, willfully, or fraudulently vote more than once for any candidate for the same office, except as authorized by law, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once, or vote in more than one election district, or having once voted, shall vote, or attempt, or offer to vote again; or shall knowingly, willfully, or fraudulently do any unlawful act to secure a right, or an opportunity to vote for himself or for any other person, or shall by force, threat, menace, intimidation, bribery, or reward, or offer, or promise thereof, or otherwise unlawfully, either directly or indirectly, influence, or attempt to influence, any elector in giving his vote, or prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the rights of suffrage, or by any such means induce, or attempt to induce, any such voter to refuse to exercise any such right; or shall by any such means, or otherwise, compel or induce, or attempt to compel or induce, any inspector of election or other officer of election, in any election district, to receive the vote of any person not legally qualified or entitled to vote at the said election in such district; or shall knowingly, willfully, or fraudulently interfere with, delay, or hinder in any manner any inspector of election, poll-clerk, or other officer of election, in the discharge of his duties; or by any of such means, or other unlawful means, knowingly, willfully, or fraudulently, counsel, advise, induce, or attempt to induce, any inspector of election, poll-clerk, or other officer of election, whose duty it is to ascertain, proclaim, announce, or declare the result of any such election, or to give or make any certificate, document, report, return, or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person, in any election district, not entitled to vote therein, or to refuse to re-

ceive the vote of any person entitled to vote therein; or shall aid, counsel, advise, procure, or assist any voter, person, or inspector of election, or other officer of election, to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done; every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and such every offense by imprisonment in a State prison for not less than one nor more than five years.

How punished.

§ 66. If any poll-clerk, or any inspector of election, performing the duties of poll-clerk, shall willfully keep a false poll-list, or shall knowingly insert in his poll-list any false statement, or any name or statement, or any check, letter, or mark, except as in this act provided, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison for not less than one nor more than five years.

Certain acts by poll-clerks declared to be felonies.

How punished.

§ 67. Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged, in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote; and who has not been challenged by any other person, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison for not more than two years.

Certain acts of inspectors declared felonies.

How punished.

§ 68. Every inspector of election, member of any board of canvassers, messenger, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, or who shall willfully make any false canvass of such votes, who shall make, sign, publish, or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully de-

Certain acts of any officer of election or member of board of canvassers declared felonies.

face, destroy, or conceal any statement or certificate intrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison not less than two nor more than five years.

How punished.

Stuffing ballot-boxes, changing ballots, removing from or adding ballots to ballot-box declared felonies.

§ 69. If any person other than an inspector of election shall at any such election, knowingly and willfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes; or if any such inspector shall knowingly and willfully cause or permit any ballots to be in said box at the opening of the polls and before voting shall have commenced; or shall knowingly and willfully, or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and checked upon the register, as hereinbefore provided; or if any such inspector, or other officer or person, shall fraudulently, during the canvass of ballots, in any manner change, substitute, or alter any ballot taken from the box then being canvassed, or from any box which has not been canvassed, or shall remove any ballot or semblance therefrom, or add any ballot, or semblance thereof, to, the ballots taken from the box then being canvassed, or from any box which has not been canvassed, every such person shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished by imprisonment in a State prison for not less than one nor more than five years.

How punished.

Fraudulent, corrupt, and willful neglect of duty on part of election officers declared a felony.

§ 70. If any inspector of election, poll clerk, or other officer of registration, revision, election, or canvass, in whom any duty is required in this act, or by the general election laws of this State, so far as the same are consistent with the provisions of this act, shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison for not less than one nor more than five years.

How punished.

§ 71. Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll-list, or of any paper, document, or evidence of any description, in this act directed to be made, filed, or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in a State prison, not exceeding five years, and shall, in addition thereto, forfeit his office.

Acts by election officers, stealing, destroying, mutilating, removing, secreting, or altering or erasing, or permitting others to do so, declared felonies.

How punished.

§ 72. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in a State prison, not exceeding five years.

Same acts by persons not officers, declared felonies.

How punished.

§ 73. Any person who shall be convicted of willful and corrupt false swearing, or affirming, in taking any oath or affirmation prescribed by, or upon any examination provided for, in this act, or upon being challenged as unqualified upon offering to register, or vote, shall be adjudged guilty of willful and corrupt perjury.

False swearing under this act declared perjury.

§ 74. Every person who shall willfully and corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury.

Instigating or procuring others to swear false declared subornation of perjury.

§ 75. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon

Acts tending to defraud a voter of his vote declared felonies.

any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote; every such person shall, on conviction thereof, be adjudged guilty of a felony, and shall, if an inspector of election, poll-clerk, or other officer of election, be punished with imprisonment in a State prison not less than two nor more than five years, and if not such inspector, poll-clerk, or other officer of election, shall be punished by imprisonment in a State prison for not less than one nor more than five years.

How punished.

Convicted felons offering to vote unless pardoned, guilty of felony.

§ 76. If any person who shall have been convicted of bribery, felony, or other infamous crime under the laws of this State, shall thereafter vote or offer to vote at any election in the city and county of New York, without having been pardoned and restored to all the rights of a citizen, he shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense, shall be punished by imprisonment in a State prison for not less than one nor more than three years.

How punished.

Disobeying any lawful command of board or inspector or declared a misdemeanor.

How punished.

§ 77. If any person shall willfully disobey any lawful command of an inspector of election, or of any board of inspectors of election, given in the execution of his or their duty as such, at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a penitentiary for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment.

Certain disorderly acts at places of registration and polls of election declared felonies.

§ 78. If, at any general registration of voters or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or use any disorderly violence, or threats of violence, whereby any such registration, revision, election, or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll-clerk, or other officer of such election, or challenger, or person designated to be present at the canvass of any ballots,



as hereinbefore provided, are interfered with, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in a State prison for not less than one nor more than five years.

How punished.

§ 79. If any person knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation, or otherwise, interfere with any inspector of election, poll-clerk, challenger, or person designated as provided in this act, to be present at the canvass of any ballots, in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person, by any of the means before mentioned, or otherwise unlawfully, shall, on the day of registration, revision of registration, or of election, hinder or prevent any inspector of election, poll-clerk, challenger, or any person designated, as provided in this act, to be present at the canvass of ballots, in his free attendance and presence at the place of registration, or of election in the election district, in and for which he is appointed or designated to serve, or in his full and free access and egress, to and from any such place of registration, revision of registration, or of election; or to and from any room where any such registration, revision of registration, or election or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove, or eject from any such place of registration, or poll of election, or of canvassing ballots cast thereat, or of making returns or certificates thereof, any such inspector of election poll-clerk, challenger, or person designated as provided in this act, to watch the canvass of any ballots, save as otherwise provided in this act, or shall unlawfully threaten, or attempt, or offer so to do, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in a penitentiary for not less than six months nor more than one year, or shall be fined not less than five hundred nor more than two thousand dollars, or both.

Acts of interference with election officers in performance of duty at the election, or at the canvass of votes, or going to or from such duties, or threats or attempts, declared misdemeanors.

How punished.

§ 80. Any inspector of election, who shall willfully neglect, or when called on, shall willfully decline to

willful neglect or refusal to

perform  
duties of  
inspector  
declared  
a misde-  
meanor.

How pun-  
ished.

Stealing  
or des-  
troying,  
secreting  
or re-  
moving  
ballot-  
boxes or  
ballots,  
poll-lists,  
report,  
return,  
certificate,  
etc., de-  
clared a  
felony.

How pun-  
ished.

Inspectors  
and poll-  
clerks ad-  
mitting  
persons to  
registration  
will-  
fully and  
unlaw-  
fully,  
guilty of  
a misde-  
meanor.

How pun-  
ished.

Absence  
from duty,  
except  
from  
urgent  
necessity,

exercise the powers conferred on him in this act, for any of the purposes set forth in section nineteen of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in a penitentiary for not less than thirty days, nor more than one year, or by a fine of not less than two hundred and fifty, nor more than one thousand dollars, or by both such fine and imprisonment.

§ 81. If any person shall, upon the day of any such election, or before the canvass of votes is completed, steal, or willfully break or destroy any ballot-box used, or intended to be used, at such election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy, or conceal any ballot which has been deposited in any ballot-box at such election, which has not been already counted and canvassed, or any poll-list used, or intended to be used at such election, or any report, return, certificate, or other evidence in this act required, as provided for, shall, on conviction thereof, be adjudged guilty of a felony, and shall, for each and every such offence, be punished by imprisonment in a State prison, for not less than two nor more than five years.

§ 82. If in any election district, at any general registration of voters or revision thereof, or at any election hereafter held in the city and county of New York, any inspector of election or poll-clerk shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll-book, or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than thirty nor more than sixty days, or fined not less than one hundred nor more than one thousand dollars, or by both such fine and imprisonment. If any inspector of election in any election district shall, without urgent necessity, absent himself from the place of registration or the polls in said district, upon any day of registration, or

election, whereby less than a majority of all the inspectors in such election district shall be present during the hours of registration, election, or canvass of ballots, he shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than sixty days, nor more than six months, or shall be fined not less than five hundred nor more than one thousand dollars, or both.

a misdemeanor.

How punished.

§ 83. It is hereby made the especial duty of the district attorney of the county of New York to immediately prosecute all complaints which may be made of a violation of any of the provisions of this act, or of the election laws of the State, to final judgment; and the court before which any conviction for such violation shall be had shall not, in any case, suspend sentence or judgment for more than ten days; but no indictment for such violation shall be brought to trial unless the complainant (if any), if he can be found, shall have at least two days' notice, in writing, from the said district attorney, of the day when he intends to try the same.

District attorney to prosecute all complaints of violations of this act to final judgment.

Judgment not to be suspended more than 10 days.

§ 84. It shall be unlawful for any inspector of election, poll-clerk, challenger, or person designated as provided in this act to be present at the canvass of any ballots in any district, during the election or canvass of ballots, to have or keep any ballots behind the boxes or within the polling-place, or for them or any person or persons within the polling-place, to electioneer, distribute tickets or ballots, or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by a fine of not less than one hundred nor more than one thousand dollars, or both.

Keeping ballots, electioneering, and distributing tickets in polling-places, declared a misdemeanor.

How punished.

§ 85. Whoever, during the sitting of any board of inspectors of election in any election district in the city and county of New York, whether held for the purposes of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall cause to be taken, brought, ordered, or sent into, or shall at-

Having distilled or spirituous liquors in polling-places, declared a misdemeanor.

tempt to bring, take, or send into any place of registration or revision of registration or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of any such liquor, shall be deemed, and held to be guilty of a misdemeanor.

Irregularities in holding elections.

§ 86. Irregularities or defects in the mode of noticing, convening, holding, or conducting an election, authorized by law, shall constitute no defense to a prosecution for a violation of the provisions of this act.

Effect of certain acts.

§ 87. Every act which, by the provisions of this act or the general election laws, is made criminal when committed with reference to the election of a candidate, is equally criminal when committed with reference to the determination of a question submitted to electors to be decided by votes cast at an election.

New rule of evidence.

§ 88. Upon any prosecution for procuring, offering, or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed, upon good reason, that the vote complained of was a lawful one, and the jury may take such facts into consideration in determining whether the acts complained of were willfully done or not.

Meaning of word election as used in this act.

§ 89. The word election, as used in this act, shall be construed to designate only elections had within the city and county of New York, for the purposes of enabling electors to choose some public officer or officers, under the laws of this State or the United States, or to pass upon any amendment, law, or other public act or proposition submitted to vote by law.

Boundaries of election districts to be advertised.

§ 90. The boundaries of all election districts shall, on the second day after the last day allowed by law for the fixing of such boundaries, be publicly advertised; and thereafter, prior to each election, such boundaries, the location of all places of registration, revision of registration, or polling-places, and the names of all the inspectors of election, shall be similarly advertised on the day preceding the first day of any general registration or revision of registration, and on each day of registration, revision of registration, or day of election, and on such day or days only. The names of all poll-clerks shall be publicly advertised on

Also all places of registration and polling-places.

Poll-clerks.

the day of any election. The official canvass, immediately upon its completion and declaration by the board of county canvassers, shall be publicly advertised for one day only. All advertising provided for in this section, shall be done in five daily newspapers published in the city and county of New York, having the largest city circulation; and all matter advertised shall be prepared and furnished the journals in which it is to be inserted, free from unnecessary verbiage or repetition; and in the publication of any official canvass, all numbers shall be printed in numerals only, and the statement or declaration shall be put in tabular form.

Official canvass to be advertised in five daily newspapers having largest circulation, free from unnecessary verbiage.

Numbers to be printed in numerals only.

§ 91. The legal compensation of all inspectors of election and poll-clerks and other officers of election, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks, and stationery, the rent and cost of fitting up, warming, lighting, cleaning, and safe-keeping of all places of registration, revision of registration, and polling-places, of furnishing, repairing, and carting ballot-boxes; and of all supplies of every kind and nature for all elections in the city and county of New York shall be a county charge, and shall, upon proper certificates and vouchers, be paid in the same manner as by law provided for the payment of other expenses of the said county of New York. The board of supervisors of the said county of New York shall yearly levy upon the estates, real and personal, of the said city and county of New York, the amounts estimated to be required to pay the expenses of the registration, or revision of registration, and of all elections which may be held in said city and county during the year.

Expenses of elections to be a county charge, paid in same manner as other expenses of county.

Board of supervisors to yearly levy the amounts required to pay expenses of elections.

§ 92. The act entitled "An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage," passed May thirteenth, eighteen hundred and sixty-five; and the act entitled "An act amendatory of and supplementary to chapter seven hundred and forty, of the Laws of eighteen hundred and sixty-five, entitled 'An act to ascertain by proper proofs, the citizens who shall be entitled to the rights of suffrage,' passed May thirteenth, eighteen hundred and sixty-five," passed April twenty-fifth, eighteen hun-

Acts repealed.

dred and sixty-six; and the act entitled "An act in relation to elections in the city and county of New York," passed April fifth, eighteen hundred and seventy; and the act entitled "An act to amend an act entitled 'An act in relation to elections in the city and county of New York,' passed April fifth, eighteen hundred and seventy," passed April eighteenth, eighteen hundred and seventy-one, are hereby repealed, and all other acts or parts of acts, so far as the same are inconsistent with the provisions of this act, are hereby repealed so far as they apply to the city or county of New York, but such repeal shall not revive any act or part of any act repealed by either of such laws. Nothing in this act contained shall be construed to in any manner affect any complaint, prosecution, indictment, or other criminal proceeding now pending, or that may hereafter be made, had, or found under the provisions of said acts or either of them, for any violation thereof which occurred before the passage of this act, but every such violation shall be punishable under the provisions of said acts or either of them, as though said acts were not repealed but still in force.

Proviso.

Act. when  
to take  
effect.

§ 93. This act shall take effect as follows: Sections one to six, both inclusive; section thirty-four, sections thirty-six to thirty-nine, both inclusive; section forty-one, sections forty-seven to fifty-five, both inclusive; sections sixty-three to eighty-seven, both inclusive, and section ninety, shall take effect immediately; and section ninety-two, so far as anything contained therein repeals acts or parts of acts inconsistent with the provisions of the above named sections, shall take effect immediately. Each and every section not hereinabove specified, and section ninety-two, where not hereinabove otherwise provided, shall take effect on the first day of June in the year one thousand eight hundred and seventy-two.

## Chap. 676.

AN ACT to amend chapter nine of the Laws of eighteen hundred and seventy-two, entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," by providing for the audit and payment of additional claims.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter nine of the Laws of eighteen hundred and seventy-two, entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," is hereby amended so that, in the manner provided by said act, the board of apportionment and audit thereby constituted shall audit, and the comptroller shall pay out of moneys provided by the second section of said act, a sum sufficient to pay for sprinkling lanes, roads, and avenues in the city of New York, according to the provisions of the contract for such work done in the year eighteen hundred and seventy-one, not to exceed the sum of fifteen thousand dollars, and such claim shall thereupon be audited and paid within twenty days from the passage of this act.

Board to audit and comptroller to pay for sprinkling streets, etc.

Amount limited.

§ 2. This act shall take effect immediately.

## Chap. 677.

AN ACT in relation to the cleaning of the streets, avenues, lanes, alleys, gutters, wharves, piers and heads of slips in the city of New York, and the removal of all ashes, garbage, rubbish, and sweepings, and all dead animals, blood, offal and other refuse matter, and all bones, fish not fit for human food, and all diseased, tainted and impure meats, and other like matters in said city, therefrom, and in relation to the supervision and enforcement of and the cancellation of existing contracts and arrangements in respect thereto.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of police charged with duty of causing streets, gutters, etc., to be cleaned.

SECTION 1. The board of police in the city of New York, as it may from time to time be constituted, shall have full and exclusive power and authority, and is hereby charged with the duty, of causing all streets, avenues, lanes, alleys, gutters, wharves, piers and heads of slips in said city to be thoroughly cleaned from time to time, and kept at all times thoroughly cleaned, and to remove from said city daily, and as often as may be necessary, all ashes, garbage, rubbish, sweepings of every kind, and all dead horses and other dead animals, blood, offal and other refuse matter, and all bones, all fish not fit for human food, all diseased, tainted or impure meats, and all other matter or nuisances of a similar kind which the board of health in said city may order to be removed. The said ashes, dirt, garbage and rubbish shall be removed from the city as fast as collected, except such dirt and ashes as, in the judgment of the said board of health, may be suitable to fill low or sunken lots, and which may be required for such purpose.

To supervise the execution

§ 2. The said board of police is hereby vested with full and exclusive power and authority to supervise,



and is hereby charged with the duty of supervising, the execution of the agreement for cleaning the streets in said city, made on the ninth day of June, A. D. eighteen hundred and sixty-five, between the mayor, aldermen and commonalty of the city of New York of the first part, and John L. Brown, William H. Devoe and Shepard F. Knapp, contractors of the second part, provided the same is found to be a valid, existing agreement, and to see that said agreement is fully executed on the part of the said contractors, and of those who, by assignment or otherwise, have succeeded to the rights, interests, and duties of said contractors, and to arrange by agreement for the surrender and cancellation of said contract by said contractors, or by their said successors in interest therein, on such terms as, in their judgment, will be for the best interests of said city; and to declare the same canceled and determined whenever the said contractors or their successors in interest therein shall fail or omit to perform substantially all the stipulations and covenants therein contained on the part of said contractors, and to be by them kept and performed. Whenever the said contract shall be canceled, as in this section provided, either by agreement or by reason of the failure of said contractors, or their successors in interest, to perform the same on their part, the board of police shall proceed to exercise the powers and perform the duties, and shall thence continue to exercise the powers conferred, and perform the duties enjoined, by the first section of this act, in respect to the cleaning of the streets in said city, and the removing of ashes, garbage, rubbish and sweepings.

§ 3. Whenever the existing contract in relation to the removal from said city of dead animals, blood, offal and other refuse matter, made on the eighth of April, eighteen hundred and sixty-five, between the mayor, aldermen and commonalty of the city of New York, of the first part, and the Long Island bone laboratory of the second part, shall be terminated, the said board of police shall proceed to and thence continue to exercise the power and authority conferred, and perform the duties enjoined by the first section of this act, in respect

of the agreement for cleaning the streets of the city, made with Brown, Devoe and Knapp.,

When said agreement may be declared canceled.

Whenever contract is canceled, board of police to exercise powers conferred in first section of this act.

On termination of contract, to remove dead animals, etc., the board of police to discharge the duties conferred by said first section.

to the removal from said city of dead animals, blood, offal and other refuse matter.

Author-  
ities having  
control of  
public  
docks to  
set apart  
for police  
suitable  
docks, etc.

§ 4. The department, bureau, or city official or officials, authority or authorities, having from time to time the management and control of the public docks, piers and slips of said city, shall designate and set apart for the use of the said board of police, suitable and sufficient docks, piers and slips, or berths in slips, and so located as to be adapted to and meet the wants of said board in executing the various duties imposed by this act, without interruptions or delays.

Board of  
police  
may con-  
tract for  
sale of  
street  
manure,  
etc.

§ 5. The said board of police is hereby authorized to contract for the sale of street manure, dirt, sweepings, ashes and garbage, any or either of them, to any person or persons, for such price or prices as to them shall seem expedient, and so as that the same shall be promptly removed from said city, or so disposed of as not to be offensive or detrimental to health, and to use the moneys thus obtained in defraying the expense of executing the powers conferred by this act. All moneys received under this section, and all contracts made under this act, shall be reported to the comptroller of the city of New York semi-monthly.

Board  
may  
appoint  
persons to  
perform  
such  
duties as  
cannot  
properly  
be done  
by police  
force.

§ 6. The said board of police is hereby authorized to appoint such officers, agents and employees as they may find necessary in executing the several provisions of this act, to perform such duties as cannot be advantageously performed by members of the police force, and fix their compensation, and also to employ laborers, and purchase or hire horses, carts, and the necessary boats, and other materials, matters and things necessary to enable the said board to perform promptly and efficiently all the duties imposed by this act, and the moneys necessary for the full performance of said duties, and to defray the expenses and make the payments authorized by this act, during the year eighteen hundred and seventy-two, shall be included in the tax of that year, and levied and collected as by law in such cases provided.

Estimate  
of sum  
necessary  
to defray  
expense  
of exe-

§ 7. The said board of police, within thirty days after commencing to exercise the authority conferred and to perform the duties enjoined by the first section of this act, shall make an estimate of the sum of money which

will be required to defray the expenses and make the payments to be paid during the year eighteen hundred and seventy-two, in executing the several provisions of this act; and shall, on or before the first day of December, eighteen hundred and seventy-two, and the first of December in each subsequent year, make an estimate of the sum of money necessary to defray the expenses and make the payments to be made for the year next ensuing, in executing the several provisions of this act; and shall submit every such estimate to the mayor, comptroller, and the president of the said board of police, who shall, within fifteen days thereafter, consider and revise such estimate, and shall fix and determine the amount which said board of police shall be authorized to expend during such year in executing the several provisions of this act; and such amount, when so determined by said mayor, comptroller, and president of the board of police, shall thereby become appropriated. The amount thus established shall be certified to the board of supervisors of the county of New York by the comptroller; and the last said board are empowered and directed, annually, to cause the amount thereof to be according to law raised and collected by tax upon the estates, real and personal, subject to taxation within the city and county of New York. The comptroller, from time to time, is authorized to borrow upon revenue bonds, in anticipation of the said taxes, whatever sum may be necessary in each year for the use and purposes of the said police board in executing the several provisions of this act, not exceeding in any one year the amount which may be appropriated for said year as herein provided, and shall place such moneys to the credit of said police board from time to time, on its written requisition, as they may be needed in executing the several provisions of this act.

enting  
this act.

To be sub-  
mitted to  
mayor,  
comp-  
troller  
and presi-  
dent of  
board of  
police.

Amount  
to be  
annually  
raised by  
tax.

Comp-  
troller  
may bor-  
row upon  
revenue  
bonds  
sum  
necessary.

## Chap. 678.

AN ACT to legalize the proceedings of the Quincy Rural Cemetery Association, held December first and second, eighteen hundred and seventy-one, in the town of Ripley, county of Chautauqua, New York.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Proceedings legalized.

SECTION 1. The proceedings of the Quincy Rural Cemetery Association, held December first and second, eighteen hundred and seventy-one, at the office of S. H. Shaw, in the town of Ripley, and county of Chautauqua, New York, are hereby legalized, and the trustees of said association are hereby authorized and empowered to take general charge of the said association, and all property belonging to the same.

§ 2. This act shall take effect immediately.

## Chap. 679.

AN ACT authorizing the commissioners of public charities and correction in the city of New York, to acquire title to portions of Ward's Island, and the water rights surrounding the same.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commissioners of public charities authorized to acquire title to any part of Ward's Island not now owned by city.

SECTION 1. The commissioners of public charities and correction in the city of New York are hereby authorized and empowered to acquire title by purchase, on behalf of the mayor, aldermen and commonalty of the city of New York, to all or any part of the land or interests in land on Ward's (or Great Barn) Island, in the twelfth ward of the city of New York, not now owned by said city, except land laid out as streets, for such

price as they, the said commissioners, shall deem just and reasonable, the owners of said land consenting thereto; and such price may be determined by arbitration upon consent of the said commissioners and the present owners.

§ 2. Upon any contract being made for any such purchase or purchases by said commissioners, and upon the same being certified by them to the comptroller of the city of New York, the said comptroller is hereby directed to pay to the order of said commissioners such sum or sums of money as are necessary to pay for the property so purchased, and the said comptroller shall thereupon certify the same to the board of supervisors of the county of New York, to be by them included and raised in the next annual levy for taxes in the city of New York.

Comptroller to pay to order of commissioners sum necessary to pay for property purchased.

§ 3. This act shall take effect immediately.

## Chap: 680.

AN ACT to amend an act entitled "An act in relation to wills," passed April twenty-third, eighteen hundred and sixty-four.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first section of the act entitled "An act in relation to wills," passed April twenty-third, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

§ 1. Where any real estate situate in this State has been, or shall hereafter be, devised by any person residing out of this State, and within any other State or territory of the United States, and the last will and testament of such person shall have been finally admitted to probate in such other State or territory, and filed or recorded in the office or court where the same shall have been admitted to probate, an exemplified copy of said last will and testament, or of such record thereof, and of the proofs, may be recorded in the office of the sur-

Where wills have been admitted to probate in other states, exemplified copies and the proofs thereof, or the record of such wills and proof, may be

recorded  
in this  
State.

Evidence.

rogate of any county in this State where any real estate so devised is situated, which record in said surrogate's office, or an exemplified copy thereof, shall be, in cases where the original cannot be produced, presumptive evidence of said will and of the due execution thereof, in all actions or proceedings relating to the lands so devised.

§ 2. This act shall take effect immediately.

## Chap. 681.

AN ACT in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss, and Thomas J. Collins.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Parties  
may file  
claims  
within  
sixty days

SECTION 1. Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss, and Thomas J. Collins, are hereby authorized to file, in the office of the Canal Appraisers, their respective claims for canal damages; which said claims were made out and verified prior to the twenty-first day of April, eighteen hundred and seventy-one, but were not received at the Canal Appraisers' office until after that date, and, for such reason, not filed with the same force and effect as though the same had been filed, respectively, prior to said twenty-first day of April, eighteen hundred and seventy-one; provided, said claims

are filed within sixty days after the passage of this act, and are severally duly verified.

§ 2. This act shall take effect immediately.

## Chap. 682.

AN ACT to amend section three of chapter three hundred and sixty-four of the Laws of eighteen hundred and seventy-one, entitled "An act to provide for the purchase of a new school-house site, and for the erection of a school-house thereon, in school district number three, at Whitestone, in the town of Flushing, in Queens county, and for the sale of the present school-house and site in said district."

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of chapter three hundred and sixty-four of the Laws of eighteen hundred and seventy-one, entitled "An act to provide for the purchase of a new school-house site, and for the erection of a school-house thereon, in school district number three, at Whitestone, in the town of Flushing, in Queens county, and for the sale of the present school-house and site in said district," is hereby amended so as to read as follows:

§ 3. The said board of education and their successors in office, for the purpose of paying said bonds and the interest that may grow due thereon, are authorized and empowered to raise, by tax, upon the taxable property of said school district, such principal and interest as follows, namely: They shall annually, for a term not exceeding fourteen years, in addition to such sums as they may be entitled to raise, levy and collect under the statutes of the State of New York relating to common schools, and in the same manner, and at the same time as are now provided by said statutes, levy, raise and collect a sum sufficient to pay the interest of all outstanding bonds for the year, and, in addition to said

Board of education may raise by tax principal and interest due on bonds.

In what time and manner to be raised.

Bonds,  
when to  
be made  
payable.

sums, they shall annually, for the first four years, in the same manner and at the same time, levy and collect the sum of five hundred dollars of principal. After the expiration of said term of four years, they shall annually for a term not exceeding ten years thereafter, in the same manner and at the same time, raise, levy and collect a sum, in their discretion, not exceeding one thousand dollars of principal, until the whole of said debt, principal and interest, is fully paid and satisfied. Said bonds shall be made in such manner as that no greater sum than five hundred dollars of principal shall become due thereon, in any one year for the first four years, and that no greater sum than one thousand dollars of principal shall become due in any one year thereafter, until the whole principal and interest due thereon shall be fully paid; and the interest on said bonds shall be made payable semi-annually.

§ 2. This act shall take effect immediately.

## Chap. 683.

AN ACT to provide the village of Lansingburgh, in the county of Rensselaer, with a supply of pure and wholesome water.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

For the  
purpose of  
supplying  
the vil-  
lage with  
water,  
trustees  
may take  
and hold  
necessary  
real  
estate.

SECTION 1. For the purpose of supplying the village of Lansingburgh, in the county of Rensselaer, with pure and wholesome water, the trustees of said village may purchase, take and hold any real estate within the town of Lansingburgh they may deem necessary, and, by their agents or other persons employed, may enter upon the lands of any person or persons within said town, and upon any of the streets, highways, roads, alleys or lanes within the village or town of Lansingburgh, for the purpose of taking the water from any river, ponds, streams or springs within said town or village, and conveying the same to, within and through said village, for the use of said village and its inhabitants, and for the ex-



tinguishment of fires therein; and for constructing, laying and repairing any buildings, dams, reservoirs, aqueducts, pipes, conduits, or other works and machinery necessary and proper for the purposes aforesaid.

§ 2. Before entering upon, taking or using any of the lands required for the purposes of this act, or the use or rights of passage through the same, said trustees shall cause a survey and map to be made of the same, on which the land of each owner or occupant shall be designated; which map shall be signed by the president and clerk of said trustees, and be filed in the office of said clerk, for the inspection of all persons interested therein.

Survey and map to be made.

§ 3. In case the said trustees shall be unable to agree with any person or persons owning or having an interest in any such lands for the purchase of the same, or the right of use, passage through, or other rights required for the purposes of this act, the said trustees may acquire such lands, use and rights, in the same manner and by the special proceedings prescribed in and by chapter one hundred and forty of the Laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same," and the several acts amendatory thereof, so far as the same are applicable; and whenever such proceedings shall have been had, and the trustees shall have complied with the requirements of said act and the orders of the court in the premises, said village shall become seized in fee of the land so taken and appropriated, and of the use and rights acquired therein.

In case of failure to agree with owner. title, how acquired.

§ 4. The said trustees shall have power, and it shall be their duty, to borrow, from time to time, for the purposes of this act, upon the credit of said village, a sum not exceeding in the whole one hundred and fifty thousand dollars and upon such terms of credit, of not less than ten nor more than thirty years, as shall seem for the best interests of said village, and at a rate of interest not exceeding seven per cent. per annum; and to secure said loan, said trustees are authorized to issue bonds of said village, signed by the president and clerk, and sealed with the seal thereof; which bonds shall be made of such amounts, respectively, as said trustees

Trustees to borrow on credit of village, not exceeding \$150,000, and issue bonds therefor.

Money to be appropriated to the purposes named in this act. No debt to be contracted unless authorized by a vote of taxable inhabitants.

Notice of election.

Form of ballot.

Certificate of result of election to be made and filed.

Subsequent elections, in what case to be held.

Water commissioners to be elected by board of trustees.

President of board to be a commissioner.

shall think expedient, and shall not be sold for less than par; and the money so borrowed on said bonds shall be appropriated by said trustees to the purpose expressed in this act, and to no other purpose whatever.

§ 5. No debt or liability upon or against said village shall be created or contracted under and by virtue of the provisions of this act, unless the same shall be authorized by a vote of a majority of the taxable inhabitants of said village, voting by ballot, at an election to be appointed by said trustees, and held in the same manner as provided for the election of officers of said village, upon such day as the trustees shall appoint, within one year after the passage of this act. Ten days' public notice of such election shall be previously given, by posting the same in at least two conspicuous places in each ward of said village, and publishing the same in a newspaper printed therein, said votes to be taken by ballot, and to be indorsed "Water-works," and contain respectively the words "For Village Water-works," or "Against Village Water-works." If a majority of such ballots, when canvassed, shall contain the words "For Village Water-works," then the authority above mentioned shall be deemed to be obtained, and this act fully adopted by the inhabitants of said village. A certificate of the result of such election shall be signed by the canvassers thereof and filed in the office of the clerk of the county of Rensselaer within five days after such election. In case the authority aforesaid shall not be obtained at such election, it shall be lawful for the trustees to call and hold subsequent elections in the same manner and with the same effect as before provided, but no such subsequent election shall be held within one year of the time of such previous election.

§ 6. Within three months after the passage of this act, the trustees of said village shall, at a regular meeting of their board, elect by ballot, two resident freeholders of the said village, commissioners, one for the term of two years, and the other for the term of four years, and every two years thereafter one commissioner shall be elected as aforesaid for the term of four years. The said commissioners, with the president of said village, shall constitute a board of commissioners, to be denominated the

board of water commissioners of the village of Lansingburgh, and such president shall be ex-officio chairman of said board. In case of a vacancy occurring in the office of either of said commissioners so elected, by death, removal from the village, or otherwise, the same shall be forthwith supplied by the trustees for the residue of the unexpired term of said term of said commissioners, in the same manner as at such said first election; and any such commissioner may be removed by the trustees, whenever, in their judgment the interests of said village may require such removal. The reasons for such removal to be entered upon the minutes of the trustees, and such removal to require the votes of at least five of said trustees. The said board may adopt such by-laws, rules and regulations, relative to the time and place of their meetings, and relative to the general performance of their duties, as they may deem proper, and which, when ratified and approved by the trustees, shall have the same force and effect as other ordinances enacted by said trustees. The said commissioners shall not receive any compensation for their services, but may be reimbursed for such incidental expenses as may be incurred by them in the performance of their duties, to be audited and allowed by the trustees.

Vacancies, how filled.

By-laws, etc.

Commissioners not to receive compensation for their services.

§ 7. Said board of water commissioners shall, subject to the approval of said trustees, have the sole and exclusive management of the construction of such water-works, the plans, system or mode to be adopted for that purpose, and shall be empowered to cause the necessary surveys and estimates to be made, and to enter upon and take possession, on behalf of said village, of any of the lands, streams, ponds, springs, or other sources of supply of water purchased or provided by said trustees as aforesaid; also, to make and enter into any contract or contracts for engines, pumps, machinery, water-pipes, hydrants, dams and reservoirs, and all other necessary and proper appendages, materials, and appurtenances for the completion of said water-works, and for the employment of all necessary labor therefor, they may enter upon any lands, streets, highways, roads, alleys, or lanes, through which they may deem it proper

Board of water commissioners to have control of water-works.

Powers and duties of.

to convey such water to and for the use of said village as aforesaid, and to lay and construct any pipes, conduits, aqueducts or other works for that purpose, leaving said lands, streets, highways, roads, alleys and lanes, in the same condition, as near as may be, as before said entry, and to do everything necessary and proper to carry into effect the intent and purpose of this act: Provided, however, that in any contract made by said commissioners, for an expenditure of any sum of money exceeding one hundred dollars, the same shall, before execution, be submitted to and approved by said trustees, at a regular or special meeting thereof. And the said board shall certify to the correctness of all accounts, claims or demand, for the construction, extension or repairs, and the management of said water-works, to be presented to the trustees for audit and allowance, and the said board shall once in each year and as often as the trustees shall require, make a report to the trustees of the moneys expended in the construction, extension, repairs and management of said water-works, and the work done and materials furnished therefor.

Proviso.

Accounts to be certified to board of trustees for audit.

Commissioners to advertise for proposals.

Commissioners to enter into contract for construction of works subject to approval of trustees. Superintendent.

§ 8. Said board of water commissioners, as soon as the plans for the construction of such water-works shall have been determined upon, and approved by said trustees, shall give public notice for at least four weeks, and once in each week in a newspaper published in said village, and also in another paper in the city of Troy, of the work required to be done in the construction of said water-works, giving the specifications therefor, and inviting proposals for the performance of such works, or any part of the same, and for furnishing materials therefor, or any part of the same, such proposals to be sealed and accompanied by such sureties for faithful performance, and under such forfeiture and penalties as said board may deem expedient; and upon the acceptance of any such proposal, said board may enter into and execute such contract as they may deem proper for the faithful performance of such work, or the furnishing of such materials, subject, however, to the approval of the trustees as hereinbefore mentioned. Said board may also, with the approval of said trustees, appoint a superintendent of such water-works, both for

and during their construction and their subsequent management, and prescribe his duties and powers, and who shall hold his office during the pleasure of such board, and whose compensation shall be fixed and allowed by said trustees. Said board of commissioners may employ such agents and assistants as they may deem necessary to execute any of the duties required of them, who shall be paid for their services by the said trustees on the certificate of said commissioners.

§ 9. The said water commissioners are hereby empowered, and it shall be their duty, subject to the approval of said trustees, to establish rules and regulations for and concerning the use, regulation and operation of said water-works, and may thereby impose penalties and forfeitures for any violation of such rules and regulations, but such penalties or forfeitures shall not in any case exceed one hundred dollars. Said board shall establish a scale of rents to be charged and paid to the treasurer of said village, from time to time, either in advance or at such time or times as said commissioners shall prescribe, by the owners or occupants of buildings in said village for the supply of water, to be called "water rents," apportioned to the different classes of buildings in said village in reference to their dimensions, value, exposure to fires, ordinary or extraordinary; uses for stores, dwelling-houses, shops, hotels, factories, stables or other purposes, the number of occupants or consumption of water, and, from time to time, may either modify, amend, increase or diminish such rents; and said commissioners and their agents shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the amount of water used, and the manner of using it.

Rules for  
and con-  
cerning  
use and  
operation  
of water-  
works.

Water  
rents.

§ 10. The connecting or supply pipes leading from buildings or other private property to the distribution pipes shall be inserted and kept in repair at the expense of the owners or occupants of said buildings or other property, and shall not be inserted or connected with the said distribution pipes until a permit therefor shall have been obtained from said board of water commissioners; and such connecting or supply pipes shall be

Supply  
pipes.

constructed in the manner directed by said board of water commissioners or their agent.

Receipts,  
how  
applied.

§ 11. The entire annual receipts for water rents, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and extending the same, and other necessary expenses connected therewith, and the proper supply of water to said village, shall be applied toward the payment of the interest on the loans on bonds hereinbefore authorized, and also toward the creation of a sinking fund for the payment of the principal of said loan as it shall become payable, which sinking fund shall be under the management of said trustees.

Sinking  
fund.

Tax to  
pay def-  
iciencies.

§ 12. In case the entire receipts for water rents, after making the deductions as in the last above section provided, shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued, or in case in any year when any of the principal of the loan secured by said bonds falls due, the amount of said receipts for water rents after making said deductions, together with the sum in the said sinking fund, shall not be sufficient to pay said principal and also the said interest falling due that year, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected, in addition to other taxes, on and from the taxable property of said village, at the same time and in the same manner as the other taxes of said village are assessed, levied and collected; and the amount so raised shall be applied to the payment of said interest or principal, or both, or the deficiency thereof not otherwise provided for.

§ 13. This act shall take effect immediately.

## Chap. 684.

AN ACT to amend section two of chapter two hundred and three of Laws of eighteen hundred and sixty-three, relating to the village of Niagara City, in the county of Niagara.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York; represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section two of chapter two hundred and three of Session Laws of eighteen hundred and sixty-three of the State of New York, is hereby amended so as to read as follows:

§.2. The trustees may cause any sidewalk in said village which has once been built, or that may at any time hereafter be built within said village, to be at any time either repaired or entirely rebuilt, as they may deem proper, and they shall be and hereby are made the sole judges as to whether such sidewalk is in need of being either repaired or entirely rebuilt; and whenever said trustees shall determine that any such sidewalk should be either repaired or rebuilt, they shall pass an ordinance to that effect, and describe therein such sidewalk, and shall state therein the width and manner in which and the materials with which such sidewalk shall be either rebuilt or repaired, as the case may be, and shall publish such ordinance in a newspaper printed in said village, or by posting the same in at least ten public places in said village, and such sidewalk shall thereupon, and within thirty days thereafter, be so rebuilt or repaired as required by such ordinance, by or on the part of the owner of the lot or part of lot immediately adjacent to such sidewalk, so far as such lot or part of lot extends; in case such owner be a resident of said village, or, if not a resident thereof, has an agent in regard to such premises therein; or, if such lot or part of lot be occupied by any person as tenant of the owner thereof; or in case such owner be a non-resident of such village, and such lot or part of lot be not occupied by any person as

Sidewalks to be rebuilt or repaired.

Trustees to pass ordinance.

What ordinance to state.

To be published or posted.

Proceedings in case of unoccupied lands and

non-real-  
dent  
owners.

If built by  
village,  
expense to  
be a lien  
on lot.

tenant, and such owner have no agent in regard to such premises in said village, then such sidewalk shall thereupon and within thirty days after the due publication or posting of said ordinance as aforesaid, and the deposit of a copy thereof enclosed in an envelope directed to such owner at his last or reputed place of residence, in the post-office in said village, and the postage thereon prepaid, be so rebuilt or repaired according to the terms of such ordinance by the owner of such lot or part of lot adjacent thereto, so far as such lot or part of lot extends, or other person in his behalf, or in default thereof such sidewalk shall be so rebuilt or repaired according to the terms of said ordinance by the general village superintendent of said village, and the expenses thereof shall be and hereby are made a lien upon the lot or part of lot adjacent to such sidewalk, such lien to be enforced in the same manner as village taxes duly assessed and levied are by law required to be enforced and collected; or the trustees may, in the corporate name of said village, prosecute the person liable to pay such expenses in any court having cognizance of such case, and recover the amount thereof with costs.

§ 2. This act is hereby declared to be a public act, and shall take effect immediately.

## Chap. 685.

AN ACT to extend the provisions of chapter fifty-seven of the Laws of eighteen hundred and sixty, entitled "An act conferring additional powers and duties on courts of special sessions in the county of Monroe," and chapter forty-seven of the Laws of eighteen hundred and seventy, being an act amendatory thereof, to the county of Wayne.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Powers  
conferred  
on courts

SECTION 1. All the powers conferred on the court of special sessions of the county of Monroe by chapter



fifty-seven of the Laws of eighteen hundred and sixty, as amended by chapter forty-seven of the Laws of eighteen hundred and seventy, are hereby conferred upon, extended to and made applicable to, the courts of special sessions of the county of Wayne.

of special sessions extended to same courts in Wayne county.

§ 2. This act shall take effect immediately.

## Chap. 686.

**AN ACT** to amend an act entitled "An act to erect the village of Middleburgh into a separate road district," passed April seventh, eighteen hundred and fifty-nine, and the acts amendatory thereof, passed February fifteenth, eighteen hundred and sixty-seven, and March twentieth, eighteen hundred and seventy-one.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section one of the act entitled "An act to amend an act entitled 'An act to erect the village of Middleburgh into a separate road district,'" passed April seventh, eighteen hundred and fifty-nine, and the acts amendatory thereof, passed February fifteenth, eighteen hundred and sixty-seven, and passed March twentieth, eighteen hundred and seventy-one, is hereby amended as follows:

§ 1. The village of Middleburgh, in the county of Schoharie, commencing at the northerly bounds of the farm of David Zeh, and running thence through said village to the Huntersland road; thence up said road to the easterly side of the entrance of the Middleburgh cemetery; also commencing at the turnpike in said village, and running up the Clauverway road to the south bounds of Freeman Stanton's premises, formerly owned by Lewis Fox; also commencing at the turnpike, at the premises of John D. Wheeler, and running along railroad avenue to the Middleburgh and Schoharie Railroad depot; and also commencing at the plank-

village of Middleburgh declared to be a separate road district.

Description.

Highway  
labor  
assessed  
upon in-  
habitants  
to be  
applied to  
repair of  
roads,  
etc., in  
said  
district.  
Amount  
to be paid  
for each  
day  
assessed.

road in said village, at the southerly bounds of the premises of William B. Borst, and running along the lands of the said Borst, and across the lands of John M. Scribner, as the same now is or may be hereafter laid out, to the Middleburgh and Schoharie Railroad depot, and any street or streets which are now or shall hereafter be laid out as public highways in said village, and which intersect or shall intersect any of the named roads or highways, are hereby declared to be and are hereby constituted a separate road district. And all the highway labor assessed upon the inhabitants of said village, residing within said district, shall be applied in said district in grading the streets, repairing the roads, constructing stone sidewalks, and planting trees along said walks. And the inhabitants so residing as aforesaid shall be exempt from working in any other road district in said town. But instead of the said inhabitants performing the labor assessed, they, and each of them, shall pay to the overseer of said road district the sum of sixty cents for each day so assessed; and in case any of the persons so assessed shall neglect to pay the amount of his assessment to the said overseer in five days after demand of payment, the said overseer may sue for, recover and collect the same with costs, in his name of office, and when so collected to be by him expended as aforesaid.

§ 2. This act shall take effect immediately.

## Chap. 687.

AN ACT to provide means for the support of the Inebriates' Home for Kings county, and the better government thereof.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Commis-  
sioners of  
excise to  
pay 12 per  
cent. of  
moneys

SECTION 1. The commissioners of excise in and for the city of Brooklyn, shall pay to the treasurer of the Inebriates' Home for Kings county, or his order, twelve per centum of all moneys hereafter received by them,

for licenses granted by them to persons carrying on business in the city of Brooklyn, and the boards of commissioners of excise for the county towns of the county of Kings shall pay to the treasurer of said home twelve per centum of all the moneys hereafter received by them, for licenses granted by them. The moneys herein directed to be paid to the treasurer of said Inebriates' Home shall be so paid by the aforesaid commissioners of excise for the city of Brooklyn, and by the boards of commissioners for the county towns in Kings county, within thirty days after the receipt thereof by said commissioners, and by said boards respectively, and shall be applied to the founding and support of said Inebriates' Home, and to no other purpose.

received,  
to treasurer of  
Inebriates'  
Home.

To be so  
paid within  
thirty days  
after receipt  
thereof by  
commissioners.

To what  
purpose  
applied.

§ 2. All fines hereafter collected for intoxication, and all violations of the excise law in the city of Brooklyn, and in the county of Kings, shall be paid to the treasurer of The Inebriates' Home for Kings county, in the manner hereafter stated. The justice of the peace and the police justices of the city of Brooklyn, and the justices of the peace in the towns in Kings county, and the keepers of the county jail and penitentiary, and the police and constables of said city and county towns, are hereby required to pay to the treasurer of said Inebriates' Home, monthly, all moneys received by them for intoxication, and all violations of the acts regulating the sale of intoxicating liquors in the city of Brooklyn and county of Kings; such payments shall be accompanied by a detailed statement, showing the separate amounts received, from whom received, the date when received, and the residence of the party, so far as the same can be ascertained by his or her examination and that of the officer making the arrest, which statement shall be verified by the oath of the justice or other official receiving said money. All persons failing to comply with the provisions of this section shall be guilty of a misdemeanor.

Fines  
collected  
for intoxication  
to be paid to  
such treasurer.

To be  
paid  
monthly.

Payments  
to be  
accompanied  
by  
detailed  
statement.

Misdemeanor.

§ 3. The provisions contained in title three of chapter three of part four and sections one hundred and seventy-five, one hundred and seventy-six and one hundred and seventy-seven of the Revised Statutes of the State of New York, shall apply to the Inebriates' Home for

Certain  
provisions  
of existing  
laws to  
apply to  
said home.

Superintendent to be guardian of inmates.

Board of directors to be elected by members of the corporation.

Directors to be classified.

Term of service.

Kings county, together with the provisions contained in title nine of chapter twenty of part one and section twenty-one of said Revised Statutes, and the superintendent of said home shall be held to be the legal guardian of every inmate thereof during his or her residence therein, so far as the provisions of the last named section are concerned.

§ 4. The more perfectly to carry into effect the objects of said Inebriates' Home, the members of the corporation shall, at the annual meeting in May next, elect from their number, by ballot, fifteen persons who shall constitute a board of directors of said corporation; and the persons so elected shall hold their offices as hereinafter provided, and until others shall be elected in their places; and, in case of any vacancy in said board, by resignation, removal from the county, or otherwise, the remainder of said directors shall have power to fill such vacancies. The directors, as soon as convenient, and not later than their first regular meeting after their election, shall divide themselves into three classes of five members each, and proceed to decide by lot their relative terms of service, for one, two and three years, as the terms of service of each class so arranged shall expire. At each annual meeting of the corporation their successors shall be chosen by ballot; and the term of service of the persons so chosen shall be the three years next ensuing such election.

§ 5. This act shall take effect immediately.

## Chap. 688.

AN ACT to amend an act entitled "An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof," passed April twenty-eight, eighteen hundred and seventy.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The second section of the act entitled "An act to increase the number of judges of the

city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof," passed April twenty-eighth, eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 2. The second section of the act entitled "An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," passed March twenty-fourth, eighteen hundred and forty-nine, is hereby amended so as to read as follows:

§ 2. The said three judges, or any of them, shall hold a court of civil jurisdiction, to be called the city court of Brooklyn, which shall be a court of record, and its jurisdiction shall extend to the following actions and proceedings, when the cause of action shall have arisen, or where the subject thereof shall be situated in the county of Kings.

1. For the recovery of real property, or of any interest therein, or for the determination in any form of such right or interest, and for injuries to real property.

2. For the partition of real property.

3. For the foreclosure or satisfaction of a mortgage of real or personal property.

4. For the recovery of personal property distrained for any cause.

5. For all other actions where the cause of action shall have arisen in the said city, or where any of the defendants shall reside, or be personally served with the summons, within the said city.

6. To actions against corporations created under the laws of this State, and transacting their general business within the said city, or established by law therein.

7. To actions for the partition of the real estate of infants, in which actions the said courts shall have the same jurisdiction as is given to the Supreme Court by section one of chapter two hundred and seventy-seven of the Laws of eighteen hundred and fifty-two.

8. For the measurement of dower.

9. For the sale, mortgage or other disposition of real property of infants, habitual drunkards, lunatics, idiots and persons of unsound mind.

City court,  
by whom  
held, and  
its juris-  
diction.

For re-  
covery of,  
and in-  
juries to,  
property.

Partition.

Mort-  
gages.

Property  
distrained.

Causes  
arising  
where de-  
fendants  
are resi-  
dents of  
city.

Against  
corpo-  
rations  
doing  
business  
in city.

Partition  
of real  
estate of  
infants.

Dower.

Sale of  
property  
of infants,  
etc.

Specific performance by infant heirs, etc.

10. To compel the specific performance, by infant heirs or other persons of contracts respecting real property and chattels real.

Property of religious corporations.

11. For the mortgage or sale by religious corporations of their real property and the application of the proceeds thereof.

Against corporations having property in city.

12. To actions against corporations created by or under the laws of another State, government or country, which have property in said city, or an agency established therein.

Custody of idiots, etc.

13. For the care and custody of idiots, lunatics, persons of unsound mind, and habitual drunkards, and of their real and personal estate.

Removal of actions from city court into the Supreme Court.

§ 2. Section four of said act of April twenty-eighth, eighteen hundred and seventy, is hereby amended by adding at the end thereof as follows: "The Supreme Court may remove into that court any action pending in the city court of Brooklyn, which action could have been originally brought in the Supreme Court, whenever, on motion it may appear to the Supreme Court that the convenience of witnesses or the ends of justice require it. The like proceedings shall be had thereon as to transfer of the papers in such action to the court whence the action shall be removed as is now by law provided for removal of actions in the Supreme Court from one county to another."

§ 3. Section fourteen of said act of April twenty-eighth, eighteen hundred and seventy, is hereby so amended as to read as follows:

Proceedings commenced before one judge may be continued before another.

§ 14. Every proceeding commenced before one of the judges of said city court may be continued before another of said judges, with the same effect as if commenced before him.

## Chap. 689.

**AN ACT** extending the provisions of certain laws, permitting municipal corporations to aid in the construction of railroads, to the town of Marcellus, in the county of Onondaga.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The provisions of chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," and of chapter five hundred and seven of the Laws of eighteen hundred and seventy, entitled "An act to define the powers of commissioners appointed under chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, bonding municipalities to aid the construction of railroads," and of chapter nine hundred and twenty-five of the Laws of eighteen hundred and seventy-one, entitled "An act to amend chapter nine hundred and seven of the laws of eighteen hundred and sixty nine, entitled 'An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads,' and also to amend chapter five hundred and seven of the Laws of eighteen hundred and seventy, entitled "An act to define the powers of commissioners appointed under chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, bonding municipalities to aid in the construction of railroads," and of all laws amendatory thereof, are hereby extended and made applicable to the town of Marcellus, in the county of Onondaga.

General railroad bonding acts extended to town of Marcellus, in the county of Onondaga.

§ 2. This act shall take effect immediately.

## Chap. 690.

AN ACT to amend an act entitled "An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition," passed April twenty-first, eighteen hundred and seventy.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Title of  
act  
amended.

SECTION 1. The title of an act entitled "An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect thereon a building or buildings which shall be used as an industrial exhibition," passed April twenty-first, eighteen hundred and seventy, is hereby amended so as to read as follows: "An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate and erect thereon a building or buildings which shall be used as an industrial exhibition."

§ 2. Section eight of said act is hereby amended so as to read as follows:

Buildings  
to be  
erected to  
be fire-  
proof.

§ 8. The building or buildings to be erected shall be built in a substantial manner, and shall be of such material as are commonly designated as fire-proof.

§ 3. Section nine of said act is hereby repealed.

§ 4. Section ten of said act is hereby repealed, and the said section shall read as follows:

Names of  
buildings.

§ 10. The stockholders represented by a majority shall designate a name or names by which the building or any of the buildings, or any portion thereof, shall be known, and such name or names being once chosen by a majority of the stockholders, shall remain unchanged.

§ 5. The said act is hereby further amended by inserting after section ten the following sections:



§ 11. The real estate of the said Industrial Exhibition Company shall be exempt from lien and sale for taxes and assessments during the time allowed for the final completion of the buildings to be erected by it, not exceeding five years from the passage of this act; but if, at the expiration of said five years any of such real estate shall not be in actual use for the purposes for which said company is incorporated, taxes and assessments shall be collected thereon for the whole period of the exemption, at the same rate or rates as the other taxes and assessments levied or imposed during the same period, and at a valuation proportionate to that of the adjoining property.

How far  
exempt  
from taxes  
and assess-  
ments.

§ 12. The company shall have the right to build over any avenue or street now closed by law, but shall not build over any other avenue or street, nor obstruct the travel thereon, except with the permission of the common council of said city upon the recommendation of the department of public works.

May build  
over  
streets  
now  
closed by  
law, and  
others by  
consent of  
common  
council.

§ 13. The Governor of the State of New York shall have power to appoint five regents for each State, territory or government, which regents so appointed shall be honorary members of the said company, with the freedom of the building and grounds; such appointees to hold their appointments during the term of the Governor appointing them.

Regents  
to be ap-  
pointed  
by Gover-  
nor.

§ 14. If any bondholder shall at any time desire to exchange his bonds for stock, the said company shall have the power to create stock so as to effect the exchange.

Exchange  
of bonds  
for stock.

§ 15. The amount of first mortgage bonds that the said company may issue under this act is limited to eighty per cent. of the cost of the building or buildings and the fittings.

§ 16. This act shall take effect immediately.

## Chap. 691.

AN ACT to amend chapter four hundred and two of the Laws of eighteen hundred and fifty-four, being "An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess," passed April seventeenth, eighteen hundred and fifty-four, extending the provisions thereof, and of all acts amendatory thereof, to the county of Erie, excepting the city of Buffalo.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Mechanics' lien laws extended to Erie county.

SECTION 1. All the provisions of an act entitled "An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess," passed April seventeenth, eighteen hundred and fifty-four, and the provisions of all general acts amendatory thereof, are hereby extended and declared to be applicable to the county of Erie, excepting the city of Buffalo.

§ 2. This act shall take effect immediately.

## Chap. 692.

AN ACT to amend section three of chapter nineteen of Laws of eighteen hundred and twenty-one, to perpetuate certain testimony respecting the title of the Poultney estate in this State.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of chapter nineteen of Laws of eighteen hundred and twenty-one, is hereby amended so as to read as follows:

§ 3. And be it further enacted, that copies of the depositions so as aforesaid taken and filed, when certified by the register of the court of chancery and having the seal of the court thereto affixed, shall and may at all times hereafter, and in all courts as well of law as of equity in this State, be received and read as prima facie evidence of the facts in the said depositions set forth in all suits which may be depending in the same courts and in which the title of the said Poultney estate may be the point in issue, or in which the title, by reason of any matter incidental to the point in issue, may be drawn into question, or between any and all persons claiming to hold lands within this State under conveyances from the Poultney estate. This act shall not affect any suit or proceeding now pending.

When  
copies of  
the depo-  
sitions to  
be re-  
ceived in  
evidence.

Not to af-  
fect exist-  
ing suits.

## Chap. 693.

AN ACT in relation to the service of citations on lunatics and idiots.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In proceedings for the proof of any last will and testament, or on any accounting or other proceed-

Service of  
citations  
on idiots,

lunatics,  
etc.

ings in the surrogate's court, where any party entitled to be served with a citation shall be insane or an idiot, the citation shall be served on the lunatic or idiot and on the committee of the person and estate, or of either, of such lunatic or idiot; and in case there shall not be any committee of the person and estate, or of either, then the citation shall be served on the lunatic or idiot personally, and also on the person in whose care and custody said lunatic or idiot shall be.

Special  
guardians  
to be ap-  
pointed.

§ 2. Whenever a citation shall have been served on any lunatic or idiot, the surrogate shall appoint a special guardian for said lunatic or idiot, whose duty it shall be to take the care and charge of the interest of said lunatic or idiot on the proceedings for which he shall be cited.

## Chap. 694.

AN ACT making an appropriation for the improvement of the wagon road leading westerly from the Adirondack railroad depot, in the town of Hadley, Saratoga county, to Beecher's Hollow, in the town of Edinburgh, in said county, a distance of eighteen miles.

Passed May 14, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Appropri-  
ation for  
improving  
wagon  
road.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any moneys in the treasury, belonging to the general fund not otherwise appropriated, for the purpose of improving the wagon road leading westerly from the Adirondack railroad depot, in the town of Hadley, Saratoga county, to Beecher's Hollow, in the town of Edinburgh, in said county, a distance of eighteen miles; which sum of money shall be expended by and under the direction of Manlius Jeffers and John A. Kathan, of the town of Hadley, Luke Kathan, of the town of Day, and P. H. Pulver, of the town of Edinburgh, all of said county, who are hereby appointed commissioners for that purpose. The

To be ex-  
pended  
under  
direction  
of commis-  
sioners  
named.

said sum of two thousand dollars is to be paid upon the presentation of proper vouchers to the Comptroller.

§ 2. The said commissioners before entering upon the duties of their office, shall execute and file in the office of the Comptroller, a bond to the people of the State of New York, in the penal sum of four thousand dollars, conditioned for the faithful performance of their duties, with sufficient sureties, to be approved by the Comptroller; and the Comptroller, upon the filing of said bond, shall draw his warrant upon the treasurer for the said sum of two thousand dollars in favor of the said commissioners, and the Treasurer shall pay the same out of the said fund.

Commissioners to file bond.

§ 3. The said commissioners shall expend the said sum of money upon the improvement of said road, as they shall deem most advisable.

Money, how expended.

§ 4. The said commissioners shall annually report their proceedings, on or before the first day of December in each year, verified by their oath, to the Comptroller. The said commissioners shall receive no compensation for their services.

Commissioners to report.

§ 5. The Comptroller shall have power to fill vacancies that may occur in said board of commissioners.

Vacancies.

§ 6. This act shall take effect immediately.

## Chap. 695.

AN ACT to incorporate the New York Homœopathic Surgical Hospital, in the city of New York.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. S. H. Wales, Thomas C. Smith, Edmund Dwight, George W. Clark, H. N. Twombly, B. F. Joslin, C. T. Frame, B. S. Walcott, L. Hallock, D. D. T. Marshall, W. T. Helmuth, J. W. Dowling, Carrol Dunham, Alfred McKay, Roger H. Lyon, and such persons as may be associated with them in the manner and upon the terms and conditions as shall be provided in the

Corporators.

**Corporate name and powers.** by-laws of the corporation, and their successors, are hereby constituted a body corporate and politic, by the name of "The New York Homœopathic Surgical Hospital," and by that name they shall have perpetual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, complaining and defending in any court of law or equity, of making and using a common seal and altering the same at pleasure, and of taking, receiving, purchasing and holding of, conveying or otherwise disposing of, any real or personal estate for the uses and benefits of said corporation, not to exceed at any time the net annual income of one hundred thousand dollars, and not to be applied to any other purposes than those for which this corporation is created.

**Object.** § 2. The object of this corporation is to establish and maintain in the city of New York a hospital, at which shall be received such persons as may require surgical treatment; and all patients in said hospital shall be under the professional care of surgeons and physicians belonging to the homœopathic school of medicine.

**Board of managers.** § 3. There shall be a board of managers of said corporation, which shall consist of fifteen members, to be elected as hereinafter provided, from the members of said corporation, at the annual meetings thereof, to be held at the time and place to be fixed by the by-laws. A majority of votes shall be necessary for such election; until the first annual election to be held as aforesaid, the following named persons shall constitute such board of managers, to wit: S. H. Wales, Thomas C. Smith, Edmund Dwight, George W. Clark, H. N. Twombly, B. F. Joslin, C. T. Frame, B. S. Walcott, L. Hallock, D. D. T. Marshall, W. T. Helmuth, J. W. Dowling, Carrol Dunham, Alfred McKay, and Roger H. Lyon. As soon as may be convenient after the date of the incorporation of such hospital, said board shall meet and the above named members thereof shall divide themselves by lot into three equal classes. The term of the first class shall expire at the end of one year; that of the second class at the end of two years; that of the third class at the end of three years from the date of such incorpo-

**Names of first managers.**

**To be divided into classes.**

**Term of office.**

tion, or until their successors are appointed. And at the expiration of the term of each class as aforesaid, five managers shall be elected by said corporation at their annual meeting, to fill the same, who shall hold their office for the term of three years, or until their successors are appointed. And each successive year thereafter, one-third of the board of managers of said corporation shall be so elected for said term, to fill the class then becoming vacant as aforesaid. In case either or any of the above named persons shall decline to serve, or be or become ineligible from any cause, the vacancy or vacancies thereby occasioned, may be filled from the members of the corporation by the remaining members of said board, until the next annual election, when the same shall be filled by said corporation. And any manager may be eligible for re-election.

Vacancies, how filled.

§ 4. The board of managers shall annually, and as soon as may be convenient after the said annual election, elect, by ballot, from among their own number, a president, a vice-president, a secretary, and a treasurer, who shall hold their respective offices for one year, and until their successors shall have been elected.

Officers.

§ 5. The board of managers shall have power to manage and transact the business of the corporation; to fill, from the members of the corporation, any vacancy in the board occasioned by death, resignation, or otherwise, until the time of the next annual election, when the same shall be filled by said corporation; to make such by laws as may be necessary and lawful for the government of their proceedings, the management and disposition of the property and concerns of the corporation, and the admission and qualifications of members, and to appoint such subordinate officers, assistants and servants as they may deem necessary.

Powers of board of managers.

§ 6. Five managers, including the president or the vice-president, shall be a quorum for the transaction of all business, except the sale or alienation of any of the real or personal estate of the corporation, or the leasing of any such real estate for a longer term than one year, or the discharging of any officer or the suspension or dismissal of any surgeon or physician of the said hospital, or the adoption or amendment of any by-law; for which

Quorum.

purposes, or any of them, the consent of a majority of all the members of said board shall be necessary.

Absence  
from  
three  
stated  
meetings  
to vacate  
office.

§ 7. Any manager of said corporation absenting himself, without reasonable cause, from three stated meetings of the board in succession, may be deemed thereupon to have vacated his office, such vacancy to be determined by a majority of all the members of the board.

General  
powers.

§ 8. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities, prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 9. This act shall take effect immediately.

## Chap. 696.

AN ACT to amend chapter two hundred and nine of the Laws of eighteen hundred and forty-seven, entitled "An act in relation to cemeteries in incorporated villages."

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter two hundred and nine of the Laws of eighteen hundred and forty-seven, entitled "An act in relation to cemeteries in incorporated villages," as amended by chapter one hundred and seventeen of the Laws of eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Tax pay-  
ers of any  
village  
may direct  
trustees to  
purchase  
suitable  
lands for a  
cemetery.

§ 1. The tax-payers of any incorporated village, at any meeting thereof lawfully convened, may, by resolution, direct the trustees of such village to purchase suitable lands for a burying ground for such village, or lands in addition to any burying ground now owned by said village, upon such terms and conditions, not inconsistent with this act, as such meeting shall prescribe; but the whole expense of purchasing such ground or additional lands in any village, fencing the same, and putting it in proper condition to be used as a burying ground, shall not exceed ten thousand dollars, unless

Expense  
limited.



the population of the village shall exceed four thousand persons, nor more than twenty thousand dollars in any case. And the title of such burying ground, when so purchased, shall be vested in such village by its corporate name, and shall be inalienable, except in the manner and for the purposes hereinafter mentioned.

Title to  
vest in  
village.

§ 2. This act shall take effect immediately.

## Chap. 697.

### AN ACT to incorporate the Genesee Valley Water-works Company.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Lucius C. Bingham, Alfred J. Moss, Hathorn Burt, Henry W. Miller, Sems E. Brace, William H. Swan, Henry H. Scoville, and such persons as are or may be hereafter associated with them; are hereby constituted a body corporate by the name of the Genesee Valley Water-works Company, to be located and to conduct its operations at Mount Morris, in the county of Livingston.

Corpo-  
rators.

Corporate  
name.

§ 2. The capital stock of said corporation shall be six thousand dollars, to be divided into shares of twenty-five dollars each, and said capital stock may be hereafter increased to the sum of twenty thousand dollars by the directors of said corporation, and all transfers thereof shall be entered on the books of said company.

Capital  
stock.

§ 3. The said corporation shall be organized and authorized to proceed to the business contemplated by this act, as soon as subscriptions are obtained to said capital stock to the amount of six thousand dollars; but, before proceeding to such business, directors shall be elected to transact the business of said corporation, by giving two weeks' previous notice of such election in a newspaper printed in the village; such directors to be chosen by the stockholders of such corporation, provided that said corporation shall be organized as required by this act, on or before the first day of May,

When to  
proceed to  
business.

Directors  
to be  
elected.

eighteen hundred and seventy-three, and the directors first elected shall hold their office until that time.

Chapter  
159. Laws  
of 1867,  
except  
sections  
1, 2 and 3,  
to apply  
to this cor-  
poration.

§ 4. Chapter one hundred and fifty-nine of the Laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the Mount Morris Water-works Company," except sections one, two and three thereof, shall, in all respects, apply to the corporation authorized by this act, so far as the same are not inconsistent therewith, and the corporation hereby authorized shall have all the powers and privileges and be subject to the restrictions and liabilities therein contained.

§ 5. This act shall take effect immediately.

## Chap. 698.

AN ACT to amend an act entitled "An act respecting elections other than for militia and town officers," passed April fifth, eighteen hundred and forty-two.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The third subdivision of the sixth section of the second title of chapter one hundred and thirty of the Laws of eighteen hundred and forty-two, is amended so as to read as follows:

Vacancies in  
office of  
Senator or  
member of  
Assembly,  
how  
filled.

§ 3. When a vacancy exists in the office of any Senator or member of Assembly occurring after the first day of January in any year, the same shall be filled at the first election held thereafter in any such district where such vacancy may occur, or at a special election to be called by the Governor for that purpose; provided such vacancy occurs during the first year of the term of any Senator, or before the first day of March, in the second year of the term of any Senator. But no vacancy shall be filled for the office of member of Assembly, unless the same shall occur on or before the first day of April, in any year, unless the Legislature is in session at the time such vacancy and election shall take place.

§ 2. This act shall take effect immediately.

## Chap. 699.

AN ACT to establish a rifle range and to promote skill in marksmanship among the National Guard.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever the National Rifle Association shall raise the sum of five thousand dollars, for the purpose of securing, by lease or purchase, of a rifle range for the use of first and second divisions of the National Guard of the State of New York, and of such association, and for the purchase and erection of the necessary buildings and appurtenances to fit up and equip the same, and shall, by resolution of its board of directors, appropriate the same to such purpose, the sum of twenty-five thousand dollars, which is hereby appropriated, out of any funds in the treasury not otherwise appropriated, shall be expended for the same purpose, as hereinafter provided.

When sum of \$25,000, appropriated by this act, to be expended.

§ 2. The grounds for such range shall be selected by the board of directors of said National Rifle Association, and their location, together with the price to be paid therefor, shall be approved by the Adjutant-General of the State, and also by the officers then commanding the first and second divisions of the said National Guard, or by a majority of such officers, which approval shall be in writing, and shall be filed with the Comptroller before any of the moneys hereby appropriated shall be expended for the payment hereof.

Grounds to be selected by board of directors and approved by Adjutant-General, etc.

§ 3. The fitting up, equipping and managing of such range shall be done by the board of directors of said National Rifle Association, of which board the persons holding the office of Adjutant-General of the State and those commanding the first and second divisions of said National Guard shall hereafter always be ex-officio members; and no moneys in excess of one hundred dollars shall be expended for such purpose without a

Fitting up, etc., to be done by board of managers.

Ex-officio members.

two-third vote of such directors, and without the approval of at least two of such ex-officio members.

When and how money appropriated to be drawn from treasury.

§ 4. The Comptroller of the State is hereby authorized and directed to draw his warrant upon the treasury of the State for the payment of the moneys expended by said board of directors for the purposes aforesaid, as the same shall be drawn upon by them from time to time, but no drafts shall be drawn by said board upon the funds hereby appropriated, except for an expenditure authorized and approved as provided in the preceding section.

Drafts, how drawn and countersigned.

§ 5. All such drafts shall specify upon their face the purpose for which they are drawn, and shall be drawn by the treasurer of said association and countersigned by another of the officers thereof, and by at least one of such ex-officio members of the said board of directors, and shall, in case such draft exceed the sum of one hundred dollars, be accompanied with the vouchers therefor, approved by two of such ex-officio members, and by the oath of the treasurer of said association, certifying that the sum or sums so ordered to be paid have been expended for the purpose of leasing or purchasing such range, or fitting up the same, or that the labor and materials have been duly performed or furnished thereon. It shall also be the duty of the treasurer of said association to file with said Comptroller, every six months a detailed account of all expenditures of said association during said period, verified by him under oath.

Vouchers.

Detailed account of expenditure to be filed with Comptroller.

No officer or member of board of directors to be interested in any contract made under provisions of this act nor receive any salary for services.

§ 6. No officer or member of said board of directors of said National Rifle Association, nor any of the officers named herein as ex-officio members of such board, shall be in any way interested, directly or indirectly, in any of the contracts made by said association for the purposes aforesaid, or in any of the purchases or expenditures made under the provisions of this act; neither shall they, or any of them, receive any salary or compensation for any services they may render in and about the purchase or fitting up of such range, or the management thereof.

Rules and regulations.

§ 7. The said board of directors of said National Rifle Association are hereby authorized, from time to time, to

establish regulations for the use and management of such range, and shall have power to employ the necessary markers and assistants, which regulations shall be in writing, and shall be approved by said Adjutant-General and the officers then commanding the first and second divisions of said National Guard, or a majority of them, before becoming operative.

§ 8. For the purpose of preserving the property of the State, and of said National Rifle Association upon said range, and of preventing accidents, the persons employed thereon by said Rifle Association are hereby vested with the powers of constables when in the performance of their duties, and wearing such badge of office as shall be prescribed by said association, and all persons trespassing upon such range, or injuring any of the targets or other property situate thereon, or willfully violating any of the regulations established to secure safety thereon, shall be deemed guilty of a misdemeanor.

Persons employed thereon invested with powers of constables.

§ 9. The commanding officer of either the first or second divisions of said National Guard is hereby authorized to direct the use of said range by any of the regiments of his command without compensation for practice, field drill or any military purpose, whenever, and for such time, as he shall deem it proper or necessary.

Commanding officer of either of said divisions may direct any regiment to use said range.

§ 10. The Commander-in-chief is hereby authorized to direct the issuing of such ammunition and military equipments from the stores of the State for use upon said range by the National Guard, or for rifle practice elsewhere by them, at such times and under such regulations as he shall prescribe.

Military stores for practice upon such range.

§ 11. The said Commander-in-chief is also authorized to offer annually, on behalf of the State of New York, a prize not exceeding one hundred dollars in value, to be known as the "State Prize," to that regiment or battalion in each division throughout the State, which shall display the greatest proficiency in marksmanship during each year, and a similar prize, not to exceed the sum of five hundred dollars in value, to the regiment or battalion which shall surpass in that respect all other regiments throughout the State during each year. Such prizes to be competed for under regulations to be estab-

"State prize" for greatest proficiency in marksmanship.

lished by said National Rifle Association, and approved by the Commander-in-chief. And the Comptroller is hereby authorized to draw his warrant in favor of the Adjutant-General for the costs of such prizes, not to exceed the sum of fifteen hundred dollars in any one year, out of any moneys appropriated for military purposes.

Supervisors of N. Y. and of Kings county may each appropriate not exceeding \$5,000 in any one year, for purposes provided in first section.

§ 12. The boards of supervisors of the counties of New York and Kings may each, in their distretion, appropriate an amount not to exceed the sum of five thousand dollars, in any one year, for the purposes provided in the first section of this act; and they are hereby authorized to levy a tax for such purpose upon the real and personal property of said county or counties, to be levied and collected as other moneys authorized by law are by them levied and collected.

§ 13. This act shall take effect immediately.

## Chap. 700.

AN ACT to supply deficiencies in former appropriations and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided for by law, and to raise money therefor, by an issue of the bonds of the State, and to provide for submitting the question thereon to the people.

Passed May, 15 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Appropriation for deficiencies and indebtedness.

SECTION 1. To supply deficiencies in former appropriations, and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for money bor-

rowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided for by law, the following amounts are hereby appropriated:

The sum of fifty-five thousand eight hundred and one dollars and ninety-five cents, to pay for deficiencies unprovided for in full by act chapter seven hundred and sixty eight of the Laws of eighteen hundred and seventy. Deficiencies under act of 1870.

The sum of two hundred and sixty-nine thousand two hundred and thirty-four dollars and eighty-four cents, to pay for deficiencies in appropriations under act chapter seven hundred and sixty-seven of the Laws of eighteen hundred and seventy. Ibid.

The sum of one hundred and forty-four thousand three hundred and fifty-nine dollars and fifty-seven cents, to pay for deficiencies in appropriations under act chapter nine hundred and thirty of the Laws of eighteen hundred and seventy-one. Under act of 1871.

The sum of sixty-five thousand dollars, or so much thereof as may be necessary to meet and pay the interest on the money borrowed, or certificates of indebtedness issued, to meet the deficiencies enumerated in the three foregoing items of deficiencies. Interest on foregoing.

The sum of three hundred and ninety-three thousand seven hundred and fifty-five dollars and fifty-one cents, for outstanding certificates of awards of canal damages made by and expenses attending cases heard before the canal appraisers in the year eighteen hundred and seventy-one, now on interest. Awards of 1871.

The sum of fifty thousand dollars, or so much thereof as may be necessary to meet and pay the interest on the certificates in the last foregoing item mentioned. Interest thereon.

The sum of twenty-five thousand four hundred and thirty-one dollars and ninety-nine cents, the amount of certificates on interest now outstanding for work done on the eastern division of the Erie canal in excess of any appropriation therefor. Erie canal.

The sum of sixty-one thousand six hundred and eleven dollars and thirty-one cents, the amount of certificates on interest now outstanding for work done on Champlain.

the Champlain canal improvement in excess of any appropriation therefor.

Black  
river.

The sum of two thousand five hundred and sixty dollars, the amount of certificates on interest now outstanding for work done on the Black River canal in excess of any appropriation therefor.

Chenango  
canal ex-  
tension.

The sum of one hundred and twenty thousand dollars, or so much thereof as may be necessary, to pay the amount of certificates on interest now outstanding and for work done on the Chenango canal extension in excess of any appropriation therefor, a portion of which was specially excepted from payment out of the appropriation of such Chenango canal extension made by chapter nine hundred and thirty of the Laws of eighteen hundred and seventy-one.

Oneida  
lake canal.

The sum of twenty thousand dollars, or so much thereof as may be necessary, and now due and unpaid for work done and performed on the Oneida Lake canal, in excess of any appropriation therefor.

Interest  
on fore-  
going.

The sum of forty-five thousand dollars, or so much thereof as may be necessary, to meet and pay the interest on the last four foregoing items.

Awards  
by canal  
board.

The sum of two hundred and thirty-one thousand four hundred and thirty-four dollars and forty-six cents, to pay the sum of awards for damages and extra compensation made by the Canal Board in the year eighteen hundred and seventy-one.

Awards  
by canal  
commis-  
sioners.

The sum of seventy-one thousand nine hundred and sixty-four dollars and sixty-eight cents, to pay the sum of awards for damages and extra compensation and expenses attending the same, made by the Board of Canal Commissioners in the year eighteen hundred and seventy-one.

Interest  
on fore-  
going.

The sum of twenty-five thousand dollars, or so much thereof as may be necessary, to pay the interest on the last two foregoing items.

Interest  
on canal  
debt 1871.

The sum of three hundred and fifty-six thousand seven hundred and sixty-six dollars and sixty-five cents, to supply the deficiency in the canal debt sinking fund, to meet the requirements of section three, article seven of the Constitution of the State, for interest on the canal



debt, which which was due September thirtieth, eighteen hundred and seventy-one.

The sum of five hundred and fifty-seven thousand one hundred dollars, to supply the canal debt sinking fund with means to pay interest on the thirtieth day of September, eighteen hundred and seventy-two, as required by section three, article seven of the Constitution of the State.

Interest  
on canal  
debt 1872.

The sum of one hundred and twenty-four thousand four hundred and fifteen dollars, or so much thereof as may be necessary, due and to be paid on final settlement of contracts for moneys heretofore retained by the State to secure the performance of contracts.

Final settlement of  
contracts.

The sum of four millions fifty-one thousand one hundred and fifty-nine dollars for the present acknowledged deficiency, and the estimated liabilities of the general fund up to the thirtieth day of September, eighteen hundred and seventy-two, for the payment of which no appropriations have been made, but which such indebtedness has been incurred and such liabilities created, according to the report of the late Comptroller, transmitted to the Legislature, January second, eighteen hundred and seventy-two.

Deficiencies and  
liabilities.

§ 2. To provide the means of paying the said appropriation for the canals under the provisions of this act, and to pay the floating indebtedness of the State and the estimated liabilities for the present fiscal year not yet provided by law, a debt of this State is hereby authorized, which debt shall be for the single object of raising the money to pay the appropriation herein named.

Debt authorized  
to pay  
appropriation.

§ 3. The debt hereby created shall not exceed the sum of six millions six hundred thousand dollars; and there shall be imposed, levied and assessed upon the taxable property of this State a direct annual tax to pay the interest on said debt as such interest falls due, which said direct annual tax shall be sufficient to pay such interest as it falls due. And there shall also be imposed, levied and assessed upon the taxable property of this State a direct annual tax to pay, and sufficient to pay in the space of twelve years from the time of the passage of this act, the whole of the debt created under and by

Limit.

Annual  
tax for interest.

Tax for  
debt.

Debt,  
when to  
be paid.

the provisions of this act. Of the debt to be created under and by virtue of the provisions of this act, the principal of one-third part thereof shall be paid in four years from the passage of this act, the principal of one-third part thereof shall be paid in eight years from the passage of this act, and the principal of one-third part thereof shall be paid in twelve years from the passage of this act.

Comp-  
troller to  
issue State  
bonds.

§ 4. To obtain the money necessary for the purposes contemplated by this act, the Comptroller is authorized to issue the bonds of the State in such sums each as shall seem meet to him, with coupons thereto attached, for the payment of the interest on such bonds, at a rate not exceeding six per centum per annum, half yearly, on the first days of July and January in each year until the principal is payable, at such place in the city of New York as shall seem meet to him. One-third part of such bonds shall be payable in four years from the passage of this act, one-third part of such bonds shall be payable in eight years from the passage of this act, one-third part of such bonds shall be payable in twelve years from the passage of this act, and the whole principal shall be payable in such place in New York city as the Comptroller shall deem meet. The Comptroller shall, before disposing of said bonds or any of them, advertise the proposals for the same, and shall open the proposals, and award the same to the highest bidder at a rate not less than par, which advertising and disposition shall be according to the provisions of law now existing.

Bonds,  
when pry-  
able.

Comp-  
troller to  
advertise  
for propo-  
sals.

Act to be  
submitted  
to the  
people.

Vote, how  
to be  
taken.

§ 5. This act shall be submitted to the people at the next general election to be held in this State. The inspectors of election in the different election districts in the State, shall provide at each poll on said election day, a box in the usual form for the reception of the ballots herein provided; and each and every elector of this State may present a ballot which shall be a paper ticket, on which shall be printed or written, or partly written and partly printed, one of the following forms, namely: "For the act to create a State debt to pay the canal and general fund deficiencies," or "Against the act to create a State debt to pay the canal and general fund

deficiencies." The said ballots shall be so folded as to conceal the contents of the ballots, and shall be indorsed "Act in relation to canal and general fund deficiencies."

§ 6. After finally closing the polls of such election, the inspectors thereof shall immediately and without adjournment proceed to count and canvass the ballots given in relation to the proposed act, in the same manner as they are by law required to canvass the ballots given for Governor, and thereupon shall set down in writing and in words at full length, the whole number of votes given "For the act to create a State debt;" and the whole number of votes given "Against the act to create a State debt," and certify and subscribe the same, and cause the copies thereof to be made, certified and delivered, as prescribed by law in respect to the canvass of votes given at an election for Governor; and all the provisions of law in relation to elections, other than for military and town officers, shall apply to the submission to the people herein provided for.

Inspectors  
to canvass  
votes.

§ 7. The Secretary of State shall, with all convenient dispatch, after this act shall receive the approval of the Governor, cause the same to be struck off and printed upon slips in such numbers as shall be sufficient to supply the different officers of this State concerned in notifying or in holding elections, or in canvassing the votes, and shall transmit the same to such officers.

Election  
laws to  
apply.

Secretary  
of State to  
have the  
law  
printed  
and circu-  
lated.

§ 8. Sections five, six and seven of this act shall take effect immediately upon its passage, but the second, third and fourth sections thereof shall not become a law until it is ratified by the people in pursuance of the Constitution and the provisions thereof.

Act, when  
to take  
effect.

§ 9. This act shall be chapter seven hundred of the Laws of eighteen hundred and seventy-two.

Chapter  
700.

## Chap. 701.

## AN ACT to incorporate the "German American Mutual Warehousing and Security Company."

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corporators.

Corporate name.

Corporate seal.

By-laws, etc.

Principal office.

Capital stock.

How transferable.

**SECTION 1.** James McCarter, Henry Rutgers Beckman, Bernard Roelker, George L. Haight, Joseph B. Lawrence, William S. Rosencrans, Henry Clews, Robert R. Symon, William A. Ogden Hegeman, Edgar S. Van Winkle and Clinton Gilbert, or such of them and such other persons as may become stockholders, as hereinafter mentioned and provided, and their successors and assigns are hereby constituted a body corporate, under the name of the German American Mutual Warehousing and Security Company, to be located in the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as hereinafter provided. Said company may have and use a common seal, and the same alter or change at pleasure; and may make all proper and necessary by-laws and regulations for the government of its affairs and for the transaction of its business, with the right at any time and from time to time to amend the same as may be therein provided and set forth. The principal office of said company shall be within the port of New York, but the board of directors, under such rules and regulations as they may prescribe may establish branches and agencies in Europe and elsewhere.

**§ 2.** The capital stock of said company shall be one million dollars, with power, by a vote of a majority in interest of the stockholders, to increase the same from time to time as the business of the company may require, to five millions, and in the manner prescribed by the by-laws; the shares of which shall be one hundred dollars each. Said capital stock shall be deemed personal property, and be transferable only on the books of the company in such manner as shall be prescribed

by the by-laws of said company. Books of subscription to said capital stock may from time to time be opened, subject to such rules and regulations as the board of directors of said company shall determine, and said board shall have power to call in the amount of capital so subscribed by installments, and if any subscriber shall fail to pay any such installment after sixty days' notice requiring payment thereof, the share or shares on which such installment shall be in arrear, together with all previous payments thereon, if any, shall be forfeited to the use of the company.

Books of  
subscription to  
stock.

§ 3. Said company shall have power to grant, bargain, sell, convey, buy or receive and hold all kinds of property whatsoever, whether real, personal or mixed, or to hold the same in trust or otherwise, and may acquire and hold in fee simple, or in any lesser estate, by gift, grant, devise, purchase, lease, mortgage, transfer, assignment or conveyance, any lands, piers, wharves, docks, basins, bulkheads, slips or water lots, or other property whatsoever in or about the said port of New York or elsewhere, now erected and laid out and designated as such, or hereafter to be so erected, laid out or designated, and all the rights, privileges, franchises and appurtenances whatsoever thereunto belonging, and from time to time, add at any time, to construct, build and maintain, on any of said property aforesaid, suitable warehouses, landing places, cartways and any other means and device for the accommodation of the commerce and business of said port of New York, and as may be necessary, proper or convenient to carry on the business of warehousemen, wharfingers or lightermen within the port of New York, or any other business in anywise authorized by this act; and it shall also be lawful for said company to purchase, hold and convey all such real and personal estate as it may deem it necessary to acquire in the enforcement or settlement of any claim, warehousemen's lien, or other liens or demand whatsoever arising out of their business transactions, and to sell and convey and exchange the same for other property or estate, as the board of directors of said company may determine that the interest of the company may require. And the said company is hereby

Corporate  
powers.

May hold  
real  
estate

Convey-  
ances,  
etc., how  
executed.

authorized and empowered to make, execute, issue, acknowledge and deliver all and any necessary and proper conveyances, receipts, certificates, contracts, or any other instruments in writing whatsoever in the transaction of their business, which said instruments or any of them shall bear the impress of the common seal of the company, and be signed by the president and be countersigned by the secretary or treasurer, or may be in any other usual and proper manner executed; as the board of directors of said company may by by-law or by resolution prescribe. And the said company shall have power to receive upon consignment, storage or deposit, whether for safe keeping, shipment, trans-shipment, transporting, lightering or other disposition, all kinds of personal property whatsoever; and to take the management, custody and charge of the same and to make advances upon all such property so received, stored and deposited with said company, and upon such terms as may be established by the directors of said company; and for such commissions, and for such rates of interest, not to exceed the legal rate of interest, as shall be agreed upon by and between the parties to the respective transactions, or otherwise, as may be determined and established by said board of directors; and, generally, the said company shall have power to transact and carry on all kinds of business usually and lawfully transacted by warehousemen, lightermen and wharfingers within the said port of New York; and to collect and receive the usual and customary rates, or such rates as may be agreed upon between said company and any other party for dockage, wharfage, storage and lighterage; for the use of the company's docks, quays, wharves and warehouses, and for the use of machinery or elevators connected therewith or the lighters employed and used by said company, together with all the charges and expenses incurred for labor or otherwise, in the receipt, delivery, custody, management, handling or other disposition of the property so received by, stored or deposited with, said company, including such advances as may be made by said company on any property so received, stored and deposited, with the interest and

Business  
of ware-  
housemen,  
etc.

the commissions aforesaid; and all of said charges, expenses, advances, interest and commissions above specified, shall be a lien; and said lien may be enforced by a sale of the property affected thereby, by a sale thereof in the manner hereinafter provided and set forth, or according to the law in such cases made and provided, as the said board of directors may in the particular case determine and establish; except where the method of enforcing such lien is prescribed by a contract between the parties, such lien shall be enforced as therein provided.

Charges,  
etc., to be  
liens on  
property.

§ 4. And it shall be the duty of said company to use all reasonable care and diligence in the keeping of all property deposited and stored with them, and in the handling, shipment, lightering and transporting of the goods, wares and merchandise consigned to them for warehousing, or that may have been stored with said company. Provided, that said company may make and establish such reasonable and lawful rules and regulations concerning or affecting the transaction of their business, and their responsibility for the safe keeping or other disposition of any property received by them as said board of directors may prescribe, and as may be agreed upon by said company and any other party in or concerning the respective transactions. Such general regulations as shall be prescribed and established by said board shall be publicly posted in the company's principal warehouse entrances and shall be binding upon said company and any other party interested; provided, further, that the same may, from time to time, be modified or altered as said board may determine the business of the company may require, and may be modified or altered by special agreement between the parties interested in any respective transaction.

Company  
to use due  
diligence  
in keeping  
and hand-  
ling prop-  
erty.

Provide as  
to respon-  
sibility.

General  
regula-  
tions to be  
publicly  
posted in  
ware-  
houses.

§ 5. The persons named in the first section of this act shall be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company at such time and at such place as they or a majority of them shall deem proper, and for such amounts, not less than one hundred thousand dollars (or multiple of such sum), as in their judgment the business of the company may require. Said commissioners, or

Commis-  
sioners to  
open  
books of  
subscrip-  
tion to  
stock.

Stock,  
how  
allotted  
among  
subscrib-  
ers.

Meeting  
to elect  
board of  
directors.

Meeting,  
how  
organized.

Persons  
elected to  
give  
notice of  
accept-  
ance.

Quorum.

said majority of them, in case more than the whole amount of capital stock offered for subscription shall be subscribed, shall allot and distribute the same among the subscribers in such manner as they may deem most for the interest of all concerned; provided, that every such subscriber shall pay in upon the amount of stock so allotted, distributed and tendered to him, fifty per centum upon the par value thereof. And within thirty days after the time when fifty thousand dollars shall have been so paid in in cash, such subscribers who shall have paid in such installment of fifty per centum shall hold a meeting for the election of a board of directors of said company, said meeting to be called by any three or more of them, on notice of the time and place of such election being given to all such subscribers by being delivered for him, addressed to him, at such place in the city of New York as each subscriber may designate in writing at the time of his subscription. At such meeting the subscribers present shall organize by the appointment of a chairman and secretary, and of tellers, and shall thereupon proceed to elect from the number of those who have paid in said installment, nine trustees for said corporation, who shall constitute the first board of directors of said company; and in case any of such persons so elected shall fail to give notice in writing to said chairman or secretary of said meeting of his acceptance of such election as trustee or director aforesaid, within ten days after said election, his office shall be deemed vacant, and the trustees elect who within ten days shall accept said office, or a majority of such, shall thereupon proceed to appoint so many other persons from among the number of said stockholders as may be necessary to make up the full number of said board; and meanwhile and until said number is so made up they shall possess, exercise and enjoy all the powers and authority which such full board might possess; provided, that a majority of the full board shall constitute a quorum for the transaction of business; and when said board shall have elected one of their own number president, and appointed a secretary, who may be also a director, the said company shall be deemed to be organized, and may proceed to



business under this act. Said board shall, as soon after it shall be constituted of the full number as above required, divide itself into three classes as nearly equal as may be determined. The term of office of the first class shall expire at the end of one year, that of the second class at the end of two years, and that of the third class at the end of three years from the day of the said election of the first board of directors. At the expiration of the first year and annually thereafter, there shall be chosen a number of directors equal to the number of directors whose terms will then expire, who shall hold their office for three years. Vacancies in the office of directors shall be filled by said board for the unexpired term of the class in which the vacancy may occur; and in case of a failure to elect one or more directors at any election, a majority of the directors remaining in office shall elect so many as may be necessary to make the full number.

Directors  
to be  
classified.

Terms of  
office.

Vacancies,  
how  
filled.

§ 6. All the business and corporate powers of said company shall be exercised by nine trustees, who shall constitute the board of directors of said company, a majority of whom shall be citizens of this State, and all of whom shall be stockholders in said company; provided, however, that it shall be lawful for said company to increase the number of said trustees (to a number not exceeding fifteen), who shall constitute said board, if a majority in interest of the stockholders of said company shall, at any time, determine that the business of said company shall so require. Said board of directors shall be elected as hereinbefore provided. They shall elect, annually, from their own number, a president and vice-president and a treasurer, and shall appoint a secretary, who may also be a trustee or director aforesaid; and they may appoint and employ such other officers and such agents, superintendents, clerks and servants, in such manner and for such terms of service and with such powers and duties, as said board may prescribe by by-law, and upon and for such compensation as said board may prescribe, or as may be agreed upon with the respective parties. And it shall be lawful for said board of directors, by a two-thirds vote of said board, consented to and ratified by three-fourths in-interest of

Business,  
by whom  
managed.

Qualifications  
of  
trustees.

Officers.

Board of  
directors  
may, by  
consent of  
three-

fourths of  
stock-  
holders,  
permit  
dealers to  
partici-  
pate in  
profits.

the stockholders, to permit dealers with said company to participate in the profits of the business of the company, on such terms as may be prescribed by said board, and also to provide for the issue of scrip for such profits, and how far such scrip shall be liable for losses that may be sustained by the company, and in what manner such scrip shall be paid off; provided, that no dividend or payment by said company, to or on account of any such scrip, shall be made so as to impair the cash capital of said company.

May sell  
property  
to enforce  
liens, upon  
default of  
parties  
owing  
same.

§ 7. It shall be lawful for said company to sell, either at public auction or private sale, as may be specified in respect to such sale in any contract between the parties, all property of what kind soever mentioned in or affected by such contract, to or upon which said company may have any claim or warehouse lien, or other lien whatsoever by virtue of such contract, or otherwise, upon the maturity of any contracts or obligations made in relation to or on the security of such property, and the default or failure of the parties bound to or contracting with the said company, in making the payments and performing the conditions stipulated and agreed upon; or immediately upon the discovery of any fraud, misrepresentation or concealment, in regard to the ownership or character of the property mentioned in or affected by such contract; and upon such sales, when at public auction, the said company may become purchasers the same as other parties. And said company, upon such sale, whether public or private, may reimburse themselves out of the avails of said sale for moneys due them from the parties on whose account and upon whose default and failure as aforesaid such sale is made, together with the interest and commission to be paid by said parties, and the costs, charges and expenses of said company incurred upon said sale, and by reason of said failure and default.

Proceed-  
ings in  
cases  
where  
property  
upon  
which  
advances  
have been  
made,

§ 8. In case any property deposited with said company, upon which an advance shall have been made by them, shall, before the maturity of the contract, from any cause, decrease in value from the price originally fixed, said company may give notice, in writing, to the owner of such property, or his agent, to perform the

conditions of the contract, or make good the deficiency caused by such decrease in value within twenty days, and, in default thereof, may sell and dispose of such property at public sale, and out of the proceeds thereof may retain the amount due them under the contract, together with the interest and commissions that were agreed to be paid by said party, and the costs, charges and expenses of said company incurred upon said sale, and by reason of said default; but nothing in this act contained shall be held or construed to limit or affect the liability or obligation of the corporation hereby created, as the same is fixed by the common law or by statute, any further than the same is limited or affected by the express terms of the contract in this section mentioned.

decreases  
in value  
before  
maturity  
of con-  
tract.

§ 9. The stockholders of said company, incorporated under this act, shall be severally and individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, until the whole amount of the capital stock fixed and limited by such company shall have been paid in and become full stock, and a certificate thereof shall have been made and recorded in the clerk's office in the county where said company shall have their principal financial place of business; and when the stock held by such stockholder shall be full paid stock then to the extent of the amount of said stock only, with costs against such stockholder. The corporation hereby created shall possess all the general powers and privileges; and be subject to all the liabilities, conferred and imposed upon corporations organized under and in pursuance of an act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the several acts extending and amending the same, where the provisions thereof are not inconsistent with the express provisions of this act; and the said company, hereby incorporated, shall be subject to the provisions of articles one, two and three, of title two, and to the provisions of titles three and four, of chapter eighteen of part one of the Revised Statutes,

Liability  
of stock-  
holders.

General  
powers of  
corpo-  
ration.

so far as said provisions are not inconsistent with the provisions or any of the provisions of this act.

§ 10. This act shall take effect immediately.

## Chap. 702.

AN ACT to improve and regulate the use of the Fourth avenue in the city of New York.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Railroad company to regulate the grade of their road in Fourth avenue and construct viaducts, etc.

At Forty-fifth and Forty-eighth streets.

At Forty-sixth, Forty-seventh and Forty-ninth streets.

How graded.

SECTION 1. The New York and Harlem Railroad Company is hereby authorized and required to regulate the grade of their railroad in the Fourth avenue of the city of New York, and to construct such viaducts, foot and road bridges over the same, and such excavations and tunnels under the same, with openings for proper ventilation, for the purpose of rendering the same safe and convenient to any persons crossing the same, and the railroad trains and passengers traveling thereon, in the following manner, namely: At Forty-fifth and Forty-eighth streets, to construct tunnels under the said streets and the Fourth avenue for sidewalks and carriage ways underneath the railroad at least thirty-four feet wide, or bridges over the railroad of at least that width, for the same purpose, and at Forty-sixth, Forty-seventh and Forty-Ninth streets tunnels under the said streets and the Fourth avenue, or bridges over the same, at least twelve feet in width, for foot passengers. Said tunnels or bridges shall have easy approaches, and the tunnels shall be dry and thoroughly ventilated and lighted. Between Forty-eighth and Forty-ninth streets the grade of the railroad shall commence to descend, and shall descend as rapidly as the operation of the road will permit, so that at Fifty-sixth street the grade of the railroad shall be thirteen feet six inches below the grade of the avenue; and from thence to Ninety-sixth street the road shall run through a covered way, with openings in the coverings not to exceed one hundred and fifty feet in length, and twenty feet in width in each block;

and thence continuing upon the present grade to the center of One Hundred and Fifth street, and thence descending at the rate of about forty feet to the mile to the center of One Hundred and Twentieth street, where the said grade shall be fourteen feet one inch below the grade of the avenue; thence descending at the rate of about twelve feet and four-tenths of a foot to the mile to the center of One Hundred and Twenty-ninth street, where said railroad grade shall be eleven feet below the grade of the avenue; thence ascending at the rate of twenty-six feet and four-tenths of a foot to the mile to the center of One Hundred and Thirty-third street to and upon the present grade of the railroad; the grade of said road at Fifty-ninth street shall not exceed fifteen feet six inches below the grade of the said avenue as established by law. At Seventy-fourth street it shall not exceed thirteen feet six inches, and at Seventy-ninth street shall not exceed twelve feet. At Fiftieth and Fifty-first streets, elevated bridges of iron for foot passengers shall be constructed over the railroad. Between Fifty-second and Fifty-third streets a bridge shall be constructed for foot passengers and carriages over the railroad, with approaches parallel with the railroad, and at Fifty-fourth and Fifty-fifth streets bridges of iron shall be constructed for foot passengers over the railroad; and from Ninety-eighth street to One Hundred and Fifteenth street, the railroad shall be carried upon a viaduct, with stone arches or iron bridges in said viaduct over the cross or intersecting streets above One Hundred and First street, to and include One Hundred and Thirteenth street. Between One Hundred and Seventeenth and One Hundred and Eighteenth streets, a bridge shall be constructed over the railroad with parallel approaches, the same as before provided between Fifty-second and Fifty-third streets; from One Hundred and Nineteenth street to One Hundred and Twenty-ninth street inclusive, iron bridges over the railroad shall be constructed upon the line of each street the full width of the street. At One Hundred and Thirtieth and One Hundred and Thirty-first streets, iron bridges for foot passengers shall be constructed over said railroad; between Forty-fifth and Forty-ninth streets, including said

Elevated  
iron  
bridges.  
Bridges  
for foot  
passen-  
gers.

Viaduct.

Bridges.

Iron rail-  
ings or  
brick  
walls.

streets, iron railings or brick walls shall be erected in said streets, outside the railroad tracks, so as to prevent crossing at a level with said railroad tracks. A coping and iron railing shall be constructed upon the parapet and retaining walls along the said improvement, wherever the said roadway runs through an open cut, and also around the openings between Fifty-sixth and Ninety-sixth streets.

Tempo-  
rary  
tracks  
may be  
laid  
during  
progress  
of work.

§ 2. During the progress of the work, the New York and Harlem Railroad Company is hereby authorized to lay down such additional temporary tracks on the Fourth avenue, above Forty-second street, as may be necessary for the railroad business during the progress of the work, and such tracks shall be removed when the work shall be completed, and said company is hereby authorized, for the purpose of facilitating rapid transit and accommodating local traffic, to lay down permanently two additional tracks on said avenue, and to make such landings and excavations in said avenue as may be required for such additional tracks, with landings for the entrance and delivery of passengers outside of the said excavations and viaduct.

Perma-  
nent  
tracks.

Alter-  
ation of  
grade of  
streets  
crossing  
said  
avenue.

§ 3. Whenever it shall be found advisable or necessary to alter the grade of the streets crossing the said avenue or of the said avenue, where the said road shall pass through a covered way, the same may be done by said company, but so as not to interfere with the free use of the streets by the public.

Width of  
sidewalks.

§ 4. The sidewalks on Fourth avenue between Forty-ninth and Fifty-sixth streets, and between Ninety-sixth street and the Harlem river, shall not exceed fifteen feet in width.

Removal  
or alter-  
ation of  
water  
pipes.

§ 5. Whenever it shall be necessary in the progress of said work to remove or alter the Croton water pipes, sewers or gas pipes upon said avenue, the same shall be done by the department or corporation having charge thereof, so as not to interfere with said work.

Board of  
engineers  
to super-  
intend  
construc-  
tion.

§ 6. There shall be a board of engineers, whose duty it shall be to execute, direct and superintend the construction of the said improvement, to be called the board of engineers of the Fourth avenue improvement. It shall be the duty of the said board to file a monthly

statement, under oath, of the items of their expenditure with the comptroller of the city of New York. Regular accounts of all their transactions shall be kept by the board, which shall be open to the inspection of the officers of the said railroad company, and to the comptroller of the city of New York. The said board are authorized to pass suitable by-laws for their own regulation and government, and to select a presiding officer and secretary from their own number. They shall keep a record of all their proceedings. The said board shall consist of four members, as follows, namely: Allan Campbell and Alfred W. Craven, or their successors, and the chief engineer of the board of public works of the city of New York for the time being, and the engineer of the New York and Harlem Railroad Company. In case of the death, removal or resignation of the said Campbell or Craven, or their or either of their successors, the vacancy shall be filled by the remaining members of the board. The said board are hereby authorized and directed to take the entire charge and control of the said improvement, and to execute the same in conformity with the provisions of this act, in a substantial and workmanlike manner. The said engineers shall receive eight dollars each for every day that they shall be employed in the performance of their duties under this act. They may appoint one of their number as a general superintendent of the work. The said board shall prepare plans and specifications of said improvement in conformity with this act, and an estimate of the expense thereof, and file a copy of such plans, specifications and estimate in the office of the comptroller of the city of New York. The members of the said board, before entering upon the performance of their duties shall severally take and subscribe an oath or affirmation before some judge of a court of record in the city of New York, faithfully to perform the trust and duty required of them by this act and as a member of the said board of engineers, which shall be verified by such judge and filed in the office of the said comptroller.

Duties of  
board.

Of whom  
to con-  
sist.

Vacan-  
cies, how  
filled.

Compensation.

Plans and  
specifications.

Official  
oath.

§ 7. When the said plan, specifications and estimate shall be made and filed as aforesaid, the expense and

Expense  
and cost  
to be

borne by  
R. R. Co.  
and city of  
N. Y. in  
equal pro-  
portions.

cost of the said improvement shall be borne and paid by the New York and Harlem Railroad Company and the mayor, aldermen and commonalty of the city of New York in equal proportion as the construction of the said improvement progresses. When and as often as it shall appear by the certificate of the superintending engineer of the work upon the said improvement that the sum of twenty-five thousand dollars has been expended thereon by the New York and Harlem Railroad Company, specifying the portions and divisions of the said improvement where the said expenditure has been made, the comptroller of the city of New York shall draw his warrant upon the treasury of the said city in favor of the treasurer of the said railroad company for one-half of the said sum, which shall be duly signed and countersigned by the proper officers of the said city, and delivered to the said railroad company for and on account of the one-half of the expense and cost of said improvement to be borne and paid by the said city as aforesaid.

Amount to  
be paid by  
city, how  
and when  
raised.

§ 8. For the purpose of raising the sum or amount of one-half of the estimated expense and cost of the said improvement, to be borne and paid by the city and county of New York, one-half of the proportion or amount to be borne and paid as aforesaid, or one-fourth of the whole estimated expense and cost, shall be raised by a tax upon the real and personal property subject to taxation in the city and county of New York, and included in the tax levy for the year eighteen hundred and seventy-two, and the remaining sum or one-half of the proportionate amount to be borne and paid by the said city and county shall be raised in like manner and included in the tax levy for the year eighteen hundred and seventy-three. The comptroller of the city of New York is hereby authorized and directed to issue revenue bonds of the said city, in anticipation of the amount to be raised by taxation for the expense and cost of the said improvement in each year, to provide the means for paying the said proportion of the said city toward the said expense and cost, before the said tax shall be collected, not to exceed the due proportion to be borne and paid by the said city

Comptroller to  
issue  
revenue  
bonds.



in each of the said years eighteen hundred and seventy-two and eighteen hundred and seventy-three; such bonds to be issued and sold at not less than par. So much of the proceeds of the said tax for each of the said years as may be necessary for the purpose shall be applied to the payment of the revenue bonds to be issued as aforesaid. It is hereby intended and declared that the payments by the city of New York are to be made in the proportion and as fast as they are made by the said railroad company during the progress of the work on the said improvement.

Payments,  
when to  
be made  
by the  
city.

§ 9. The mayor, aldermen and commonalty of the city of New York are forbidden to obstruct the said improvement or the use of the Fourth avenue for that purpose above Forty-second street; and the said municipal corporation is hereby authorized and directed to pass and adopt such ordinances as may be requisite or necessary to facilitate the said improvement. Said tunnel and railways shall be exclusively for the uses and purposes of said railroad company, and it shall not be lawful for any person or persons, other than a public officer in the execution of his duty, as such, with his agents and assistants, to enter or pass upon or through the same, or any portion thereof, on foot or in any other way than in the proper cars of this corporation provided for that purpose, without the consent of said corporation, under penalty of fifty dollars for each offense, to be recovered by this corporation.

Mayor,  
etc., for-  
bidden to  
obstruct  
said im-  
prove-  
ment.

Said tun-  
nel and  
railway to  
be exclu-  
sively for  
use of the  
R. R. Co.

§ 10. The said board of engineers shall begin the said improvement and proceed to the completion thereof with reasonable expedition. When completed the said railroad company are authorized and directed to run by steam their trains (and such trains of other railroads as shall have obtained the consent of the New York and Harlem Railroad Company) over the said improvement and the route of the said railroad, and in and upon their depot at Forty-second street, and the switches, turnouts and sidings, now authorized by law, north of said street.

To be  
completed  
with ex-  
pedition.

R. R. Co.  
may use  
steam cars  
over said  
improve-  
ment.

§ 11. The Legislature may at any time alter, amend or repeal this act.

§ 12. This act shall take effect immediately.

## Chap. 703.

AN ACT to extend the powers of notaries public in the city and county of New York, and in the county of Kings.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Notaries appointed for either N. Y. or Kings county may perform official acts in both counties.

SECTION 1. Any notary public now or hereafter duly appointed and qualified in and for either the city and county of New York, or the county of Kings of this State, shall have, and hereby are invested with full power and authority to do and perform anywhere in said city and county of New York, or county of Kings, any and every act and thing which they are now by law authorized to do and perform within the county in and for which they are appointed respectively.

Statement to be made in body of affidavits and acknowledgments.

§ 2. Whenever a notary public of the city and county of New York, or county of Kings, pursuant to the power and authority in the preceding section given, shall take any affidavit or the proof or acknowledgment of any deed or other instrument of writing, to be used or recorded in this State, in a county other than that in and for which he shall have been appointed, he shall state in the body of such affidavit, or certificate of proof or acknowledgment, or after his signature thereto, as such notary, the name of the county in and for which he shall have been so appointed; and before any deed or instrument in writing so acknowledged shall be entitled to be recorded in any county other than that in and for which such notary was appointed, there shall be subjoined, or attached, to the certificate of proof or acknowledgment signed by such notary, a certificate under the hand and official seal of the clerk of the county in and for which such notary was appointed, specifying that he was at the time of taking such proof or acknowledgment a notary public in and for said county, commissioned and sworn and duly authorized to take the same; that such clerk is well acquainted with the handwriting of such notary, and verily believes

Clerk's certificate to be attached to entitle instrument to be recorded.

that the signature to said certificate of proof or acknowledgment is genuine.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

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## Chap. 704.

AN ACT to provide for the collection of the expenses of constructing certain sewers in the city of Brooklyn, and to confirm the construction of said sewers.

Passed May 14, 1872; three-fifths being present.

Whereas, by an act of the Legislature of the State of New York, entitled "An act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, and the acts amendatory thereof, the board of sewer commissioners of the city of Brooklyn were empowered to devise and frame a plan of drainage and sewerage of said city, showing the location of each drain or sewer, and to lay out said city into sewer districts, each of which should contain one main sewer with lateral sewers running into it, and to construct such or so much of said drains or sewers as the public health, convenience or interest might in their judgment require; and,

Preamble.

Whereas, the said commissioners prepared said plan of drainage and sewerage and laid out said city into sewer districts and prepared plans thereof, and said plans were completed and filed as required by said acts; and,

Whereas, by an act of the Legislature of this State, entitled "An act to re-organize the board of water and sewerage commissioners of the city of Brooklyn, and to provide for the repaving, repairing and cleaning the streets of said city by said board," passed April second, eighteen hundred and sixty-nine, and the acts amendatory thereof, all the authority and power of said sewer commissioners were transferred to and vested in the

permanent board of water and sewerage commissioners for the city of Brooklyn; and,

Whereas, the public health and interest required, and the said last mentioned board of commissioners constructed, the main drain or sewer adopted in said plans in that sewer district of said city designated as drainage map L, district number twenty-four, and also the lateral drains or sewers adopted in said plans connected with said main sewer in that portion of said district designated as subdivision number nineteen; and,

Whereas, some of said lateral drains or sewers were constructed in parts of streets and avenues, to wit, in Albany avenue between Herkimer and Fulton streets, Kingston avenue between Wyckoff and Fulton streets, Kingston avenue between Warren and Butler streets, Pacific street between Nostrand and Albany avenues, Dean street between Nostrand and Albany avenues, Bergen street between Nostrand and Albany avenues, Wyckoff street between Nostrand and Albany avenues, Warren street between Nostrand and Albany avenues, Baltic street between Nostrand and Albany avenues, and St. Andrews Place between Atlantic and Herkimer streets, which parts of said streets and avenues have not been opened by law, though most of them have been graded and paved or otherwise improved and used as public streets, and no remonstrance against the construction of said sewers in said streets or either of them was made to said permanent board of water and sewerage commissioners while the same were being constructed; and,

Whereas, said lateral drains or sewers would be useless unless connected with said main drain or sewer, and a just and equitable proportion of the expenses of constructing said main drain or sewer ought to be borne by the owners of the lands fronting on the streets through which said lateral drains or sewers are constructed; and,

Whereas, the said drains or sewers were constructed under contracts awarded to the lowest bidders after due and public notice for bids for constructing the same, and to meet the cash outlay in the construction of said sewers in anticipation of the collection of assessments for the expenses of such construction, the bonds of the city of

Brooklyn have been issued and sold pursuant to the acts aforesaid, and it is just and equitable that the expenses of said improvements should be paid by the owners of the real estate benefited thereby, and that the same should not be a charge upon all the taxable property of said city; now, therefore,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The expenses of constructing said lateral drains or sewers in said subdivision number nineteen, together with a just and equitable proportion of the expenses of constructing said main drain or sewer in said sewer district number twenty-four, drainage map L, above the cost of a proper lateral sewer in the same streets in which said main drain or sewer is constructed, and not exceeding the actual benefit derived from said main drain or sewer by the owners of the lands fronting on the streets through which said lateral drains or sewers are constructed, and not exceeding in the whole the sum of two hundred and fifty thousand dollars, shall be assessed by the said permanent board of water and sewerage commissioners for the city of Brooklyn upon the owners of lots fronting on the streets and avenues through which said lateral drains or sewers have been laid, whether the same have been opened by law or not, in the same manner and with the same effect, and the said assessment shall be certified, levied and collected in the manner and with the effect, and shall have the same force and effect in all respects as now provided by law in cases of assessments for the expenses of constructing sewers in said city.

Expenses of constructing lateral drains or sewers, etc., how assessed.

Amount limited.

§ 2. The construction of such parts of said sewers as are constructed through the parts of said streets not opened by law is hereby ratified and confirmed, but without prejudice to any rights of property or action.

Construction of such parts of said sewers through streets not opened, confirmed.

§ 3. This act shall take effect immediately.

## Chap. 705.

AN ACT requiring the Brooklyn, Winfield and Newtown Railway Company to close a portion of its route, and granting additional privileges to said company.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Railway company required to change its route.  
Route to be closed.

Route to be extended.

Company may consolidate with any other company.

SECTION 1. The Brooklyn, Winfield and Newtown Railway Company is hereby empowered and required to change the route and line of its railway as follows: It shall terminate and close its route and line of its railway in and through Eighth street, from Grand street to Broadway, and in and through Myrtle avenue and Bushwick avenue in the city of Brooklyn. Said company is hereby authorized and empowered to extend its route and construct and operate its tracks in, through and along Broadway in said city, from Eighth street to First street.

§ 2. The said railway company may consolidate with any other railroad company upon the consent of a majority of the directors of said railroad companies, and may lease or sell its road and franchises, or any part thereof, upon the consent of a majority in interest of its stockholders being had and obtained.

§ 3. This act shall take effect immediately.

## Chap. 706.

AN ACT to authorize the Morrisania Steamboat Company to issue bonds, and to change the place of their principal office.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corporation may issue bonds to extent of

SECTION 1. The Morrisania Steamboat Company, a corporation organized under the laws of the State of New York, for the incorporation of companies formed

to navigate lakes and rivers, is hereby authorized to issue its bonds to the extent of one-half of its paid-up capital, and to secure the same upon any of the property of the said company, real or personal, upon a vote of at least two-thirds of the trustees or directors of said company authorizing the same. The bonds hereby authorized may be coupon bonds, and the mortgage to secure the same may be executed to a trustee or trustees for the benefit of all the holders of said bonds.

one-half  
its paid-up  
capital.

§ 2. The said corporation is hereby authorized to change the place in which the principal office for managing the affairs of said company is situate, according to the provisions of its certificate of incorporation, to the city and county of New York; such change to be made only upon a resolution of the trustees or directors of such corporation, to be concurred in by at least two-thirds of said trustees or directors, and upon filing with the Secretary of State, for the State of New York, and with the clerk, for the city and county of New York, a certified copy of such resolution, and also certified copies of the original certificate of incorporation under which said company was formed. Upon the filing of said resolution and certificate, the city of New York shall be the name of the city in which the principal office for managing the affairs of such company, is to be situated, and in all respects as if the same had been designated as such in the original certificate of incorporation.

May  
change  
the place  
in which  
its principal  
office  
is situate  
to the  
city of  
N. Y.

§ 3. This act shall take effect immediately.

## Chap. 707.

AN ACT to authorize the supervisors of the town of New Utrecht, county of Kings, to pay over certain money to the commissioners for grading Fourth avenue, in said town.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The supervisor of the town of New Utrecht, county of Kings, is hereby authorized to pay

Super-  
visor  
author-

ized to  
pay com-  
missioners  
appointed  
to grade  
Fourth  
avenue,  
amount  
received  
from  
assess-  
ments.

over to the commissioners appointed to grade Fourth avenue, in said town, the sum of seven hundred and twenty-three dollars and forty-eight cents, received by him from assessments in opening said avenue, or so much thereof as shall not be required to pay the awards made in such opening; the money thus paid to be applied to the improvement of said Fourth avenue by said commissioners.

§ 2. This act shall take effect immediately.

## Chap. 708.

### AN ACT relative to the North Park Railroad Company.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Company  
may lay  
within  
corporate  
limits of  
Bingham-  
ton the  
Philadel-  
phia rail.

SECTION 1. The North Park Railroad Company, a company organized under the provisions of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof, are hereby authorized to lay within the corporate limits of the city of Binghamton, the rail commonly known as the Philadelphia rail, of a weight not less than thirty pounds to the lineal yard; in other places the said company may use any other pattern of rail, of a weight not less than twenty pounds to the lineal yard.

§ 2. This act shall take effect immediately.



## Chap. 709.

AN ACT to amend an act entitled "An act to amend the charter of the Buffalo Orphan Asylum," passed April second, eighteen hundred and thirty-nine.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The fifth section of the act entitled "An act to amend the charter of the Buffalo Orphan Asylum," is hereby amended by inserting after the words "as well by devise or bequest as otherwise," the words "and may sell, lease and convey in such legal manner, and on such terms as the trustees shall direct," so that the said fifth section, as hereby amended, shall read as follows: The said corporation may receive, take and hold, as well by devise or bequest as otherwise, and may sell, lease and convey, in such manner and on such terms as the trustees shall by resolution direct, any real or personal estate not required for the actual occupation and use of the said orphan asylum, for the uses and purposes contemplated by the act hereby amended, whether the same be devised, bequeathed or conveyed directly to such corporation, or to its officers or trustees or otherwise, for the use of the said corporation; but the annual income of such real estate shall not at any time exceed the sum of fifteen thousand dollars.

Corporation may take and hold real estate and lease, sell, or otherwise dispose of any real or personal estate not required for actual use.

§ 2. This act shall take effect immediately

## Chap. 710.

AN ACT to amend an act entitled "An act to open and widen portions of Sackett, Douglas and President streets, and otherwise alter the commissioners' map of the city of Brooklyn," passed May sixth, eighteen hundred and sixty-eight.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The ninth section of the act entitled "An act to open and widen portions of Sackett, Douglas and President streets, and otherwise alter the commissioners' map of the city of Brooklyn," passed May sixth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Sackett,  
Douglas  
and De-  
graw  
streets,  
how to be  
laid out,  
etc.

§ 9. Sackett, Douglas and Degraw streets shall be laid out according to a plan to be devised or adopted by the said park commissioners, and shall be graded, paved, curbed and guttered in such manner as they shall direct, and may be renamed and planted with suitable shade trees, and otherwise improved in their discretion. And the said commissioners may construct, or cause to be constructed, such roads and walks thereon, and make use of such pavements and materials of construction therefor, as they shall deem best.

§ 2. The tenth section of said act is hereby amended so as to read as follows:

Expenses  
of im-  
prove-  
ments,  
how and  
upon what  
property  
to be  
assessed.

§ 10. All expenses incident to the improvements specified in the last preceding section of this act, after having been duly certified by the said park commissioners to the said commissioners of estimate and assessment, shall be by said last mentioned commissioners apportioned and assessed in such a manner as they shall deem just and equitable upon property to be in their judgment benefited thereby; but such assessments shall be laid within a district of assessment to be fixed by a resolution of the said park commissioners. Such assess-

ment shall constitute liens upon the several parcels of property to be charged therewith, and shall be assessed, levied and collected with interest from the confirmation of the report of the said commissioners of assessment thereupon, in the same manner as other local assessments are levied and collected in the said city; provided, however, and it is hereby directed, that one-tenth part of said assessment shall be levied and collected annually for ten successive years after the confirmation of the said report.

Assessments to be liens.

§ 3. This act shall take effect immediately.

## Chap. 711.

AN ACT to provide for the collection of assessments against Prospect park and the parade grounds, in the county of Kings.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Brooklyn park commissioners are hereby authorized and required to present, annually, on or before the first Monday of July, to the joint board of common council and supervisors of the city of Brooklyn, a statement, in writing, of the amount of money, with interest, assessed or to be assessed upon so much of the land benefited by the opening of Prospect park as lies within the boundaries of the said city, and which amount is required to be raised by tax, for the then current year, under the provisions of the fourth section of an act entitled "An act for the further extension of Prospect park, in the city of Brooklyn," passed April twenty-fourth, eighteen hundred and sixty-eight, including the amount required to be raised for the maintenance of the Brooklyn parks for the year thence next ensuing, but not exceeding one hundred and twenty-five thousand dollars in any one year, with any deficiency of maintenance which may not have been raised within the two years last past, not exceeding seventeen thousand dollars, together with all such assessments for opening,

Park commissioners to present annually to joint board of common council and supervisors, statement of amount of money assessed or to be assessed by opening of Prospect park, etc., and which is required to be raised by tax.

Such joint board to cause amount to be raised as part of the annual city tax. Upon what property to be assessed.

widening, sewerage, or otherwise improving streets, avenues or highways now charged or hereafter to be charged upon any of the said parks or against the city as representing the said parks. And the said joint board shall thereupon cause the said several amounts to be raised and levied, as part of the annual city tax, in the same manner as other taxes are raised and levied by said joint board. So much thereof as relates to the assessment for park benefit shall be levied upon the particular parcels of property chargeable therewith under the provisions of the above mentioned act, and the residue of said amount shall be raised and levied as a general tax upon the said city. And the said several amounts, when collected, shall be paid over to the said commissioners, except so much thereof as relates to assessment for park benefit, which shall be paid to the commissioners of the sinking fund of the city of Brooklyn, to be used in the redemption of city bonds issued for the purchase of park lands.

Statement as to amount assessed or to be assessed upon property benefited lying outside of city.

Board of supervisors to cause the amount to be raised as part of county tax. Upon what property to be assessed.

§ 2. The said park commissioners shall also in like manner present to the board of supervisors of the county of Kings a statement of the amount of money, with interest, assessed or to be assessed upon so much of the land benefited by the opening of the said park as lies outside of the boundaries of the said city, and which amount is required to be raised by tax for the then current year under the provisions of the same act, including the amount required for the maintenance of the Kings county parade ground, together with all such assessments for opening, widening and improving streets, avenues or highways now charged or hereafter to be charged against the said parade ground by virtue of any proceeding placed or to be placed under the direction of the said park commissioners. And the said board of supervisors shall thereupon cause the said several amounts to be raised and levied as part of the annual county tax in the same manner as other county taxes are raised and levied. So much thereof as relates to the assessment for park benefit shall be levied upon the particular parcels of property chargeable therewith under the provisions of the said act, and the residue of said amount shall be raised and levied as a general tax

in the said county. And the said several amounts, when collected, shall be paid over to the said commissioners, except so much thereof as relates to assessment for park benefit, which shall be paid to the commissioners of the sinking fund of the city of Brooklyn, to be used in the redemption of city bonds issued for the purchase of park lands.

§ 3. For the purposes of this act, the said park commissioners, as well as the said board of supervisors and the said joint board of common council and supervisors of said city, are hereby exempted from the operation of the act entitled "An act in relation to the taxes to be annually raised in the city of Brooklyn and county of Kings," passed April nineteenth, eighteen hundred and seventy-one.

§ 4. This act shall take effect immediately.

## Chap. 712.

### AN ACT to incorporate the Rochester Trust Company.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. From the time this act shall commence and take effect, William Brewster, Elijah F. Smith, William H. Cheney, Isaac Hills, Roswell Hart, James Brackett, Addison Gardiner, Nehemiah B. Northrop, Charles F. Smith, Mortimer F. Reynolds, Edward Harris, Hobart F. Atkinson, George E. Mumford, Charles C. Morse and George J. Whitney, and their successors are constituted and created a body corporate and politic, by the name of the Rochester Trust Company, to be located at the city of Rochester in this State

Corporators.

Corporate name.

§ 2. The corporation hereby created shall have the general powers and privileges of a corporation as the same are declared in the third title of the eighteenth chapter of the first part of the Revised Statutes, and in addition thereto shall have power:

Corporate powers.

To receive money in trust.

1. To receive moneys in trust and to accumulate the same at such rate of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed, not exceeding in either case the legal rate.

To accept and execute trusts of every description.

2. To accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, or any corporation, or may be committed or transferred to them by order of the Supreme Court, or by a surrogate or surrogate's court, or by any of the courts of record of this State.

To take and hold property on trust.

3. To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trusts created in accordance with the laws of this State, and execute such legal trusts in regard to the same on such terms as may be declared, established or agreed upon in regard thereto.

To act as agent for registering certificates of stock, etc.

4. The said company are authorized to act as agents for the purpose of issuing, registering or countersigning certificates of stock, bonds or other evidences of debt of any corporation, association, municipality, State or public authority on such terms as may be agreed upon.

To execute trusts for married women.

5. To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agents for them in the management of such property.

May act as and be appointed guardian for infants whose annual income does not exceed \$100.

§ 3. In all cases where an application shall be made to any court of this State, or to a surrogate or surrogate's court, having jurisdiction for the appointment of a guardian to any infant, the annual income of whose estate shall exceed the sum of one hundred dollars, the said court shall have power to appoint, and the said surrogate (on the application of a minor of the age of fourteen years or upward, and on the application of any friends of the minor, if under the age of fourteen years as now provided by law), shall have power to appoint the said company as guardian of the estate of such infant; and every court into which moneys may be paid by parties, or be brought by order or judgment, may, by order, direct the same to be deposited with the said company.

Rate of interest on sums

§ 4. On any sum of money not less than one hundred dollars which shall be collected or received by the said

company in its capacity of guardian, receiver or depository of moneys in court, an interest shall be allowed by the said company of not less than at the rate of three per cent. per annum, which interest shall continue until the moneys so received shall be duly expended or distributed.

less than \$100 received in its capacity of guardian, etc.

§ 5. Where the annual income of an infant, of whose estate the said company shall be a guardian, shall exceed the sum allowed, or which may be sufficient for the education and support of such infant, such surplus income shall be accumulated by the said company for the benefit of such infant, by adding interest on the whole as a new principal, and the interest so to be allowed and added in such accumulation shall in no case be less than three per cent.

Surplus income of infants to be accumulated by adding interest as new principal.

§ 6. No bond or other collateral security shall be required from the said company when appointed guardian, receiver or depository, but all investments of money received by the said company in either of such characters shall be at the sole risk of the said corporation, and for all losses of such moneys, the capital stock, property and effects of the said corporation shall be absolutely liable, and in case of the dissolution of the said company by the Legislature, the Supreme Court, or otherwise, the debts due from the company as guardian, receiver or depository of moneys in court shall have a preference.

No bond required.

Investments to be at risk of the corporation.

§ 7. The capital of the said company shall be one hundred thousand dollars, with the power to increase the same, from time to time, to an amount not exceeding one million of dollars, which shall be divided into shares of one hundred dollars each. The capital shall be invested in bonds and mortgages, on unincumbered real estate within the State of New York, worth double the amount loaned thereon, or in stocks of the United States or of this State, or in stocks or bonds of the incorporated cities of this State, or of any of the municipal corporations of this State authorized to be issued by the Legislature.

Capital.

How to be invested.

§ 8. After the sum of fifty per cent. of the said capital shall have been paid in and invested, and before the said corporation shall commence business, the trustees

Trustees to assign and transfer to superin-

tendent of  
banking  
depart-  
ment  
bonds and  
mortgages  
or public  
stocks to  
amount of  
fifty per  
cent. of  
capital.

Superin-  
tendent to  
issue cer-  
tificate of  
the fact of  
such assign-  
ment, and  
upon re-  
ceipt of  
the same,  
the corpo-  
ration  
may com-  
mence  
business.  
To pay  
interest to  
corpo-  
ration  
until  
otherwise  
ordered  
by Su-  
preme  
Court.

Corporate  
powers  
to be ex-  
ercised by  
board of  
trustees.

Qualifica-  
tions of  
trustees.

shall assign and transfer to the Superintendent of the Banking Department, bonds and mortgages on unincumbered real estate within the State of New York worth double the amount secured thereby, or shall transfer or assign to the said Superintendent public stocks of the United States, or of the State of New York, or of any incorporated city of this State authorized by the Legislature, to the amount of fifty per cent. of said capital, which bonds and mortgages, or stocks, shall be held by the said Superintendent of the Banking Department in trust as security for the depositors and creditors of the said company, and subject to the sale and disposal of the said Superintendent upon the order of the Supreme Court as hereinafter provided. Upon the assignment of the said bonds and mortgages and stock, the said Superintendent shall issue to the said company a certificate of such fact, upon the receipt of which the said corporation may commence business, and an equal amount in value, to be determined by said Superintendent, of such bonds and mortgages and stocks, shall at all times during the corporate existence of said company, remain in possession of said Superintendent of said Banking Department. Until otherwise ordered by the Supreme Court, the said Superintendent shall pay over to the said company the interest which shall be received on the securities assigned to him by the said company, or he may authorize the said company to collect the same for its own benefit.

§ 9. All the corporate powers of the said company shall be exercised by a board of trustees, who shall not be less than fifteen in number, and such officers and agents as they shall appoint. The trustees must be citizens of this State and stockholders to the amount of one thousand dollars each, at least; and the first board of trustees shall consist of the persons whose names are mentioned in the first section of this act, who shall possess the necessary qualifications as above declared. In case any of the persons named in the first section of this act shall neglect to become stockholders as in this section is required, the trustees required by this section may be made up by the appointment by those named in the first section of this act who shall have taken the



amount of stock required by this section, of proper persons who shall meet the requirements of this section. They shall select a president and vice-president annually from their own body, and shall have power to declare by a by-law what number of trustees shall be a quorum for the transaction of business. All vacancies by death, resignation or otherwise, either in the office of president, vice-president or trustees, shall be filled by the board of trustees at their first regular meeting after such vacancy shall occur, by ballot, and the person having the majority of the whole number present and voting shall be considered duly elected, and not otherwise. The seat of every trustee ceasing to be a stockholder shall be immediately declared vacant, and his successor shall be elected as above provided.

Officers.

Vacancies, how filled.

§ 10. Within six months after this act shall take effect, the said board of trustees shall appoint a committee of not less than three nor more than five of their own number, whose duty it shall be to open books for subscription to the capital stock within ten days thereafter, and to give notice to all of said trustees of the time and place of opening said books. The said committee, in case more than the whole amount of capital stock shall be subscribed, shall allot and distribute the same among the subscribers in such manner as they shall deem most for the interest of all concerned; and if there shall be any increase of the capital stock of the said company as herein provided, the said increase shall be divided among the then stockholders pro rata, if they will accept the same; and in case the whole of such increase is not thus distributed, the surplus may be divided among the then stockholders of said company who will receive and pay the same in proportion to the amount of stock held by them, or in such other manner as the said trustees shall determine.

Committee to open books of subscription to stock.

Stock, how allotted among subscribers.

§ 11. Every subscriber shall, at the time of subscription, pay to the committee receiving the same, the sum of ten dollars on each share by him subscribed, and after the shares shall have been distributed and allotted each stockholder shall pay the balance of the amount of his subscription at such time or times and at such place as the board of trustees shall appoint, of which at least

Payments by subscribers to stock.

ten days' notice shall be given to each subscriber; the shares of each stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon.

No loan to be made to any trustee or officer.

§ 12. No loan shall be made, directly or indirectly, to any trustee or officer of the company; but every trustee may secure the shares of stock possessed by him by his own bond and mortgage on unincumbered real estate within this state, worth double the amount thereof.

Certificates of stock and of trust moneys, how assignable.

§ 13. The certificates of stock and of money received in trust, issued by the said corporation, shall be assignable on the books of the company, according to such regulations as the board of trustees shall establish, but no alteration or change shall be made in the regulations so established unless by an order of the Supreme Court, made on the petition of a majority of the trustees.

Investment of moneys received in trust.

§ 14. The trustees shall have a discretionary power of investing the moneys received by said company in trust, in public stocks of the United States or the State of New York, or of any individual State, or in the bonds or stocks of any incorporated city of this State, or of any municipal corporation of this State, authorized by the Legislature, or in such real and personal securities as they may deem proper; but said company shall not hold stock in any private incorporated company beyond ten thousand dollars.

Restriction as to amount to be received in trust or loaned.

§ 15. The amount of money which the said company shall have in trust, in deposit or on loan at any time, shall not exceed ten times the amount of its capital and surplus, nor shall its outstanding loans at any time exceed said amounts; but the said company may at any time receive in deposit and loan out any money which may be deposited with it by order of the Supreme Court, or any of the courts of law or equity, or surrogates' courts of this state, notwithstanding the limitation contained in this act. In the event of the increase of the capital stock of said company the amount in trust, deposit on loan and outstanding loans, may be increased in exact proportion to such increase of capital.

Financial statement to be ex-

§ 16. The board of trustees shall exhibit, annually, to the Superintendent of the Banking Department of

this state on such day as he shall appoint, a full statement of the affairs of said company, in such form and verified in such manner as he shall direct. The said Superintendent, if he should deem it proper, may refer such statement to a referee, with directions to make a full and thorough investigation into its affairs and management of the company, and to report his opinion in relation to the ability and integrity with which its affairs are conducted, the prudence and safety of its investments, the security afforded to those by whom its engagements are held and the advantage derived by the public from its operations. The expenses of every such investigation so made shall be defrayed by the company in such sum as said Superintendent shall certify to be reasonable and just.

hibited to  
superin-  
tendent of  
banking  
dep't.  
Superin-  
tendent  
may refer  
statement  
to a  
referee to  
examine  
affairs of  
corpora-  
tion.

§ 17. Upon the exhibition of any such annual statement, or upon the coming in of a referee's report thereon, the Superintendent of the Banking Department may recommend to the trustees such alterations and amendments in the regulations and by-laws of the company as he shall deem to be required for the public good and a just regard for the security of the creditors. If any recommendation, so made by the said Superintendent, shall be neglected, or without just cause disregarded by the trustees, he shall make a full communication of the facts to the Legislature at its first session thereafter.

Superin-  
tendent  
may  
recom-  
mend  
altera-  
tions, etc.,  
in regula-  
tions.

If recom-  
menda-  
tion is dis-  
regarded,  
to report  
to the  
Legisla-  
ture.

§ 18. A copy of every statement so made, and of every report of a referee, shall be transmitted to the said Superintendent by the president of the company, within thirty days after it shall have been made or received.

Copy of  
statement,  
etc., to be  
transmit-  
ted to  
superin-  
tendent.  
Supreme  
Court may  
remove  
any offi-  
cer, trust-  
ee or  
servant of  
corpora-  
tion, for  
cause, or  
appoint a  
receiver  
or compel  
it to go  
into liqui-  
dation.

§ 19. Whenever it shall appear to the satisfaction of the Supreme Court, that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, the said court may, upon proper notice to such person, and affording him an opportunity of being heard in his defense, remove such person or persons, and make such further order and take such further measures for securing the funds and property of said company as the court shall deem expedient, and may make such further order as the condition and circumstances of the

said corporation shall require, by the appointment of a receiver of said corporation, or otherwise causing the same to go into liquidation, and by ordering the said stocks and bonds and mortgages, assigned and deposited with the Superintendent of the Banking Department, to be sold, collected or enforced for the benefit of the said depositors or creditors of said company.

Liability  
of trust-  
tees.

§ 20. For all losses of money which the capital stock shall not be sufficient to satisfy, the trustees shall be responsible in the same manner and to the same extent that trustees are now responsible in law or equity.

Books to  
be open  
during  
business  
hours for  
inspection  
by super-  
intendent.

§ 21. The books of said corporation shall, at all times during their hours of business, be open for inspection and examination by the said Superintendent of the Banking Department, and such other person as he or the Legislature may designate as their agent for that purpose.

Act, how  
construed.

§ 22. This act shall not be construed to confer on the said company any right or power to make any contract, or to accept or execute any trust whatever, which it would not be lawful for any individual under the general rules of law, which are or shall be in force, to make, accept or execute; and the Legislature shall have power at any time hereafter to repeal, alter or modify this act or any of its provisions.

Liability  
of stock-  
holders.

§ 23. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders thereof shall be individually responsible equally and ratably for the amount of such debt or liability, with interest to an extent equal to the amount of their respective shares of stock in said company.

§ 24. This act shall take effect immediately.

## Chap. 713.

AN ACT to regulate taxation for road purposes in the village of Tarrytown, Westchester county.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No inhabitant residing within the limits of the village of Tarrytown, in the county of Westchester, shall be entitled to vote at any town meeting on any proposition for raising money by tax for the construction or repairs or laying out of any road or roads in the town of Greenburgh, in said county, located or to be located without the limits of the aforesaid village; and all property within said village shall hereafter be exempt from any taxation or assessment for the opening, laying out, maintenance, erection or repairs of any highway or road in said town, situated without the limits of said village.

Residents of village not to vote for raising money for roads located without the limits of said village.

Property exempt from tax for roads without the village.

§ 2. This act shall take effect immediately.

## Chap. 714.

AN ACT to amend an act entitled "An act to extend and improve Fourth street, in the city of Brooklyn," passed April tenth, eighteen hundred and seventy-one, and to confirm certain proceedings had thereunder.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter nine hundred and seventeen of the Laws of eighteen hundred and seventy-one, entitled "An act to extend and improve Fourth street, in the city of Brooklyn," passed April tenth, eighteen hundred and seventy-one, is hereby repealed. The street as therein laid down and extended is hereby stricken

Chapter 917, Laws of 1871, repealed.

Street as therein laid down,

discon-  
tinued.

from the commissioners' map of the city of Brooklyn, discontinued and closed, and any money that may have been paid into said city of Brooklyn, pursuant to said act, shall be refunded to the parties entitled to receive the same.

Fourth  
street ex-  
tended.

Provisions  
of exist-  
ing laws  
to apply to  
Fourth  
street, ex-  
cept as to  
petition,  
etc.

§ 2. Fourth street, in the city of Brooklyn, is hereby opened, laid out and extended, in a straight line from its present northeasterly terminus until it intersects Orchard street. All the provisions of law relating to the opening, grading, paving, curbing, guttering and flagging of streets in said city, shall be applicable for the purposes of this act, excepting, however, such provisions as may require any petition therefor, and also excepting that one-half of the expense of this improvement, inclusive of any bridge which the said common council may deem necessary, shall be assessed upon the lands lying within one hundred feet of either side of such extension, and along the whole length thereof, and the other half, including any expense that may have been already incurred under said chapter nine hundred and seventeen, upon the lands lying within such district as may be fixed by the board of assessors of said city.

Common  
council to  
proceed  
and carry  
out the  
provisions  
of this  
act.

§ 3. The said common council shall immediately proceed to carry out the provisions of this act and shall without delay cause the said improvements to be made and completed as herein authorized and required.

§ 4. This act shall take effect immediately.

## Chap. 715.

AN ACT to amend an act entitled "An act for the further extension of Prospect park, in the city of Brooklyn," passed April twenty-fourth, one thousand eight hundred and sixty-eight.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of an act entitled "An act for the further extension of Prospect park, in the city of Brooklyn," passed April twenty-fourth, eighteen

hundred and sixty-eight, is hereby amended so as to read as follows:

§ 4. The commissioners so to be appointed shall estimate the value of the lands and premises taken by this act, and the loss and damage to be sustained by the owners or other persons interested therein in consequence of their relinquishing the same to the city; and after their report thereon shall have been confirmed by the said court, they shall apportion and assess not exceeding fifty per cent. thereof, together with not exceeding fifty per cent. of the whole amount of awards and expenses heretofore reported to and confirmed by the said court, for all lands heretofore taken and now constituting Prospect park, upon any lands outside of said park, which they shall deem to be benefited by the opening of the said park in proportion to such benefit. But the land so to be assessed shall include all lands on the east side of Flatbush avenue taken for the said park. And the several amounts awarded or to be awarded to the city upon the widening of streets and avenues adjacent to said park, for lands taken from said park, before making such apportionment together with the costs of the land so taken east of Flatbush avenue shall be deducted from the whole amount of awards and expenses above referred to before making the said apportionment. No error or irregularity or want of power in regard to any portion of said apportionment and assessment shall invalidate the residue thereof. Of the amount thus to be apportioned only the one-twentieth part shall be annually assessed, in each and every year commencing with the year eighteen hundred and seventy-three, for twenty successive years, and be a lien from the time of such annual assessments upon the lands respectively charged therewith, together with interest from the time of the confirmation of the report or assessment, to be computed from year to year, upon the respective amounts remaining unpaid at the time of making such annual assessments, which interest shall be added to said assessment and form part thereof. And the said assessments and interest shall be annually included in the taxes to be levied upon the lands so to be assessed, and shall be levied and collected in the same manner as other taxes

Commissioners to estimate value of lands taken and the loss and damage sustained by owners, and after their report is confirmed, shall apportion and assess not exceeding fifty per cent. of whole amount of awards upon lands benefited outside of said park.

Only one-twentieth of amount shall be annually assessed.

Assessments and interest to be annually included

in taxes  
upon such  
lands.

Proceeds,  
how  
applied.

Persons  
interested  
may at any  
time pay  
amount to  
commis-  
sioners of  
sinking  
fund.

upon real estate annually for twenty successive years. The proceeds of such collections shall immediately after their receipt be paid over to the commissioners of the sinking fund in the city of Brooklyn, to be applied to the redemption of all city bonds issued and to be issued for the payment of the purchase and improvement of lands taken for said park. But any person interested in the said lands, or any of them, may at any time pay to the said commissioners of the sinking fund the amount so to be assessed thereon with interest to the time of payment; and thereupon his said lands shall be discharged from the said assessment.

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## Chap. 716.

AN ACT to authorize the construction of a street railroad from the city of Auburn to Willow Brook, in the town of Owasco.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corpo-  
rators.

SECTION 1. Enos T. Throop Martin, George Thompson, Peter Sittser, Robert Stewart, Calvin Young, Alexander W. Cadmus, Alvin E. Wetherbee, Jesse Davis, Peter Van Middlesworth, Leonard D. Harmon, Leonard D. Leach, Samuel B. Noyes, Henry Bump, Dallas D. Lore, James Van Dyne, Michael Mack, William F. Mack, William F. King, Porter T. Bristol, Stephen Haynes, Phillip Welty, George J. Litchworth, Isaac E. Pierson, Burr Balcom, Samuel Laurence and Daniel K. Bassett, and all persons who are now or who shall be associated with them hereafter, are hereby created a street railroad corporation, by the name of the Auburn and Willow Brook Street Railroad Company, and as such corporation are hereby authorized to construct, build, lay, use and operate a railroad, with one or more tracks, with all necessary turnouts, switches and branches, and to carry passengers and freight for compensation, from the southerly boundary of the city of Auburn, in Owasco street, so called, of said city, southerly and

Corporate  
name and  
powers.

Route.



southeasterly along the Owasco road, so called, on the east side of the Owasco outlet to the Owasco lake, and thence along the highway, as it is now or may be hereafter laid, easterly and southerly near the easterly shore of the said Owasco lake to a point near the residence of said Enos T. Throop Martin, commonly called "Willow Brook," a distance of about two miles; and also, from some convenient point of divergence upon this line, near the foot of said Owasco lake, westward along the highway in said town of Owasco to the said Owasco outlet, a distance of about a quarter of a mile, upon first obtaining the written consent of the town authorities and the plankroad company having the control of or any right or franchise in said highways.

Consents  
to be first  
obtained.

§ 2. The capital stock of said company shall be twenty thousand dollars, with the right to increase the same to one hundred thousand dollars, to be divided into shares of ten dollars each, which shall be deemed personal property.

Capital  
stock.

§ 3. The track of said railroad shall be laid with such rails as will least obstruct the passage of vehicles along and across the same, and shall conform to the grade of said highways, as they now are, or as they shall be established hereafter. Said corporation shall complete and operate one track of said road within five years after the passage of this act. The powers and privileges hereby granted to said company are limited to ninety-nine years.

Track,  
how and  
with what  
rails to be  
laid.

When  
road to be  
com-  
pleted.

§ 4. The said company shall keep the surface of the track within their rails in good and proper order, and in case of any alteration of the grade or course of said highways they shall take up, if it be necessary, and replace its track again at its own expense. It shall be the duty of said company to use due diligence to keep its track free from snow and ice so that it may run its cars safely and regularly thereon. If, notwithstanding such diligence, the company shall be prevented by snow or ice, or by rains, freshets or by any other cause not originating in or occasioned by its own negligence, from running its cars safely or regularly thereon, it may transport passengers and freight in sleighs or other conveyances. Any person who shall willfully obstruct, hinder

Duty of  
company  
as to  
track.

Penalty  
for willful  
injuries to  
track, &c.

Para-  
mount  
right of  
company.

Kind of  
cars to be  
used and  
how pro-  
pelled.

Rate of  
fare.

Passen-  
gers re-  
fusing to  
pay fare  
may be  
ejected  
from cars.

May hold  
necessary  
real  
estate.

First  
directors.

or delay the passage over any of its tracks of any car of said company or who shall willfully or intentionally deface, break or mutilate any car of said company, or the lamps, stoves or other fixtures belonging to or attached to it, shall for each and every such offense be liable to pay a penalty of ten dollars, besides actual damages sustained by such obstruction, hindrance, defacement or injury, to be recovered by said company in any court of the county of Cayuga having jurisdiction of such matters. The said company shall have the paramount right to so much of said highways as shall be necessary for the transit of its teams and cars; but when any car of said company shall overtake any team or vehicle moving on the track in the same direction, some loud and sufficient notice by a bell or whistle shall be given by the conductor of the car to the driver of such team to clear the way before the conductor shall assert, in any forcible manner, his right to such priority.

§ 5. The cars used on said road shall be suitable and sufficient for the accommodation of the public, and shall be drawn by a horse or horses, or by a mule or mules; and they shall be run as often as the public convenience shall require.

§ 6. The rate of fare for one person one way upon said road, for any distance, is limited to five cents; but it shall be lawful for the company to receive such prepayment of lawful fare over any other road which may be operated in connection with it as may be agreed upon by all the companies making such arrangements. If any passenger shall refuse to pay his fare upon any car of this company when the same shall be demanded, it shall be lawful for the conductor, upon stopping the car, without unnecessary force, to eject him and his baggage therefrom.

§ 7. The said company is hereby authorized to purchase and hold such real estate as it may require at any time for depots, sheds, barns and stables.

§ 8. The corporation hereby created shall be known as the Auburn and Willow Brook Street Railroad Company, and by that name and style it may transact its business and sue and be sued. The persons named as corporators in the first section in this act shall be the first directors

of the company, to hold until others shall be elected in their places, at a time and place to be indicated by a by-law to be made and published at least two weeks in a newspaper published in the city of Auburn. At such or any subsequent meeting of the stockholders, the number of directors, by a vote of the majority of the stockholders holding a majority of the stock, may be reduced to five. The directors shall have power to receive subscriptions for, and to issue such stock, not exceeding one hundred thousand dollars in amount, as the necessities of the company and of the road may require, and to make such by-laws, rules and regulations, and such agreements with other street railroad companies as may be necessary to the proper conduct and management of the business affairs of the company and the protection and transfer of its property; and the corporation hereby created shall be subject to all the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, and also to the regulations concerning the election of directors of moneyed corporations contained in article second of the second title of the eighteenth chapter of the first part of the Revised Statutes, so far as the said provisions and regulations are applicable.

Number of directors may be reduced.

Power of directors.

§ 9. The directors may, in case the whole of the capital stock is not before subscribed, open books of subscription to fill up the capital stock of the company in such places, after giving notice thereof, as they may deem expedient, and may continue to receive subscription until the whole amount of the stock is subscribed. At the time of subscribing, every subscriber shall pay to the directors ten per cent. of the amount so subscribed in money, and no subscription shall be received and taken without such payment.

Books of subscription to stock.

Amounts to be paid at time of subscribing.

§ 10. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment when and as it may be required by a resolution of the board of directors, the said board shall be authorized to declare his stock and all previous payments thereon for-

Subsequent payments.

feited for the use of the company; but they shall not declare it to be so forfeited until they have caused a notice in writing to be served upon him personally, or by depositing the same in the post-office, postage paid, properly directed to him at the post-office nearest his usual place of residence, stating that he is required to make such payment, at the time and place specified in said notice, and that if he fails to make the same, his stock, and all previous payments thereon, will be forfeited for the use of the company. The said notice shall be served as aforesaid at least sixty days previous to the day on which such payment is required to be made.

Liability  
of stock-  
holders.

§ 11. Every stockholder of said company shall be liable, individually, to the creditors of said company, to an amount equal to the amount unpaid on the stock held by him for all the debts and liabilities of such company, until the whole amount of the capital stock so held by him shall have been paid to the company; and all the stockholders of said company shall be jointly and severally liable for all debts due or owing to any of its laborers or servants for services performed for such corporation; but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the corporation, and then the amount due on such execution shall be the amount recoverable with cost against such stockholders.

Corporate  
powers.

§ 12. The corporation hereby created shall have the same powers to acquire and hold real and personal property necessary for its use, to issue and dispose of its bonds, and to pledge its property as security for loans as are possessed by corporations organized under the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the acts supplemental thereto, or amendatory thereof.

§ 13. This act shall take effect immediately.

## Chap. 717.

AN ACT to reimburse the commissioners named in chapter six hundred and fifty-three of Laws of eighteen hundred and sixty nine, for moneys expended by them in the discharge of their trust conferred by the provisions of said act.

Passed May 14, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of three thousand dollars is hereby re-appropriated, out of any moneys not otherwise appropriated, to be paid by the State Treasurer upon the warrant of the Comptroller, for the payment of the services and disbursements of William W. Burnham, of the town of Wells, Hamilton county, and William L. Wright, of Northampton, Fulton county, who were appointed commissioners by "An act constituting the Sacandaga river and its tributaries a public highway, and for aid in improving the same," passed May sixth, eighteen hundred and sixty-nine.

Appropriation to pay commissioners.

§ 2. The said three thousand dollars shall be paid by the Treasurer, upon the warrant of the Comptroller, whenever the Comptroller shall be satisfied that the persons demanding such money shall be the commissioners (or their representatives) appointed under the said Law of eighteen hundred and sixty-nine.

When to be paid.

§ 3. This act shall take effect immediately.

## Chap. 718.

AN ACT to re-enact and amend chapter one hundred and twenty-five of the Laws of eighteen hundred and fifty-one, entitled "An act to incorporate the Minisceongo Ferry Company, in the county of Rockland."

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Act of  
incorporation  
continued  
in force.

SECTION 1. All of the provisions of the act entitled "An act to incorporate the Minisceongo Ferry Company, in the county of Rockland," passed April eleventh, eighteen hundred and fifty-one, are hereby re-enacted and amended as hereinafter provided, and continued in force for the term of twenty years from the passage of this act.

"Ten"  
stricken  
out and  
"fifty"  
inserted.  
Words  
stricken  
out.

§ 2. The second section of said act is hereby amended by striking out in line two of said section the word "ten" and inserting the word "fifty" in place thereof.

§ 3. The sixth section of said act is hereby amended by striking out in line four of said section the words "horses, carriages and cattle."

Seventh  
section  
amended.

§ 4. The seventh section of said act is hereby amended by striking out in the last line thereof the words "the county court of said county at its next session," and inserting instead thereof the words "the next circuit court to be held in said county."

Eighth  
section  
amended.

§ 5. The eighth section of said act is hereby amended by inserting after the word "river," in the fourth line thereof, the words "except in row boats."

Directors  
to hold of-  
fice until  
others are  
elected.

§ 6. The directors of said company who were last elected shall continue to hold their offices until others shall be elected in their places.

§ 7. This act shall take effect immediately.

## Chap. 719.

## AN ACT to incorporate "The Palette of the city of New York."

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The members of "The Palette" of the city of New York, an association of which Paul Schulze, Victor Nehlig, George Hess, J. F. Engel, D. O'C. Tounley, Wm. Kurtz, Joseph Wiener, Julius Oehme, C. Meinecke, J. H. Beard, C. O. Ficht, and J. R. Robertson, compose the present board of managers or council, and all persons who shall hereafter be associated with them, are hereby created a body corporate under the name of "The Palette of the City of New York," the object of which corporation shall be the advancement of the fine and industrial arts, and the promotion of social intercourse among its numbers.

Corporators.

Corporate name and object.

§ 2. Said corporation shall have power to acquire, by lease or purchase, a suitable building, furniture and other property, for the use of the corporation, to borrow money for such purposes, and issue bonds therefor, and to secure the same by mortgage; and, generally, to acquire and take by purchase, gift, devise, bequest, subject to the provisions of the law relating to devises and bequests by last will and testament, or otherwise, and to hold, transfer and convey all or any such real and personal property as may be necessary for attaining the objects and carrying into effect the purposes of such corporation; provided, it shall not hold any real estate the value of which shall exceed, in the aggregate, two hundred and fifty thousand dollars.

Corporate powers.

§ 3. Such corporation shall have power to make and adopt a constitution, by-laws, rules and regulations for the admission, government, suspension and expulsion of its members, the collection of fees and dues, the number and election of its officers and to define their duties, and for the safe keeping of its property and management of its affairs and, from time to time, to alter, modify

By-laws, etc.

and change such constitution, by-laws, rules and regulations.

Interest of  
corpo-  
rators,  
when to  
terminate.

§ 4. All and every interest of any member of said corporation in its property shall terminate and vest in the corporation upon his ceasing to be a member thereof, by death, resignation, expulsion or otherwise.

Present  
officers to  
hold office  
till suc-  
cessors  
are  
elected.

§ 5. The several officers of said association at the time of the passage of this act shall continue to hold their respective offices as officers of this corporation, with the powers and duties prescribed by the constitution and by-laws of said association, until their successors shall be elected and installed; and in case of any previous vacancy among such officers, it shall be filled in the manner prescribed by the constitution and by-laws already adopted by said association, or as the same may in conformity therewith be altered or amended by this corporation, and the present constitution and by-laws of said association shall be the constitution and by-laws of said corporation until so altered or amended by said corporation; and all property, rights and interests of said association now held by the officers thereof, or any of them, or any person or persons for its use and benefit, shall, by virtue of this act, vest in and become the property of the corporation hereby created, subject to the payment of the debts of said association.

Present  
constitu-  
tion and  
by-laws to  
remain in  
force until  
altered or  
amended.

General  
powers.

§ 6. Such corporation shall possess the powers and be subject to the liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 7. This act shall take effect immediately.

## Chap. 720.

AN ACT to alter the commissioner's map of the city of Brooklyn.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows: -*

Portion of  
Nostrand  
avenue

SECTION 1. That portion of Nostrand avenue now laid down upon the commissioner's map of the city of



Brooklyn, between Flushing avenue and River street, also all that portion of Reid street as laid down upon said commissioner's map, lying west of the westerly line of Conover street in said city, are hereby discontinued, closed and stricken from such map.

discontinued.

§ 2. Lee avenue, as laid down upon said map, is hereby altered and extended in such manner that hereafter the easterly side or boundary of said avenue, commencing at a point on the present easterly line thereof one hundred and twenty-six feet two and one-half inches southerly from the southeasterly corner of said Lee avenue and Middleton street, shall be diverted westward from its present course in such manner as to intersect Gwinnett street at a point fifteen feet ten and one-quarter inches westwardly from its present point of intersection with said street, and shall thence be extended across Gwinnett street and River street and to the northerly side of Flushing avenue intersecting the southerly side of River street at a point seven hundred and eighty-eight feet westerly from the southwesterly corner of said River street and Marcy avenue, and intersecting the northerly line of Flushing avenue at a point eight hundred and forty feet and four inches westerly from the northwesterly corner of Flushing avenue and Marcy avenue, and the westerly line of said Lee avenue shall hereafter be diverted from its present course, commencing at a point on the present westerly line of said avenue one hundred and eighteen feet nine and one-half inches southerly from the southwesterly corner of said avenue and Middleton street, and shall thence run in a course parallel to the aforesaid easterly line thereof as hereby laid down, and seventy feet distant therefrom, until it intersects the northerly line of said Flushing avenue.

Lee avenue altered and extended. Route.

§ 3. Any portion of Lee avenue hereby placed upon the said map may be opened by the common council of said city without petition therefor.

May be opened by common council without petition.

§ 4. This act shall take effect immediately.

## Chap. 721.

AN ACT to amend chapter three hundred and sixty-six of the Laws of eighteen hundred and seventy, entitled "An act in regard to public libraries incorporated in the State of New York."

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter three hundred and sixty-six of the Laws of eighteen hundred and seventy is hereby amended so as to read as follows:

Penalty  
for inju-  
ries to  
books,  
etc., by  
officers,  
clerks,  
agents or  
members  
or other  
persons.

§ 1. If any officer, clerk, agent or member of any public library, duly incorporated under the laws of the State of New York, or any other person whatever, shall thereafter willfully cut, mark, mutilate, or otherwise injure any book, volume, map, chart, magazine, newspaper, painting or engraving, belonging to or deposited in any public library so incorporated as aforesaid, or shall procure such injury to be done as herein stated, every such person shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof by any court of competent jurisdiction, shall be liable for each offense to a fine of not more than one hundred dollars, at the discretion of the court; provided, however, that no prosecution shall be maintained under this act, unless the library prosecuting, shall have at least two printed copies of this act conspicuously placed upon its premises.

§ 2. This act shall take effect immediately.

## Chap. 722.

AN ACT to authorize the common council of the city of Brooklyn to open and grade, pave and complete certain streets in said city.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The common council of the city of Brooklyn are hereby authorized and empowered to open, grade, pave, curb, gutter and flag the following named streets in said city: Jefferson street, from Bedford avenue to Broadway; Hancock street, from Bedford avenue to Broadway; Pacific street, from Albany avenue to the city line; Dean street, from Albany avenue to the city line, or to make any or either of such improvements in such part of either of said streets as have not been heretofore so improved.

Common council to open, grade, etc., certain streets.

§ 2. The expenses of such improvement shall be provided for, paid, assessed, levied and collected in the same manner as heretofore provided by law in reference to such local improvements in said city, and no petition therefor by any person shall be necessary, but the common council shall first fix a district within which the assessment shall be made, and give notice in the corporation newspapers as now provided by law before they determine to proceed with any or either of the said improvements.

Expenses of improvements, how assessed, levied and collected.

§ 3. This act shall take effect immediately.

## Chap. 723.

AN ACT to amend an act entitled "An act to provide for the improvement of Newtown creek, between Maspeth avenue and Metropolitan avenue," passed April twelfth, eighteen hundred and seventy-one.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight of chapter four hundred and thirteen of the Laws of eighteen hundred and seventy-one, entitled "An act to provide for the improvement of Newtown creek, between Maspeth avenue and Metropolitan avenue," passed April twelfth, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Supreme Court to appoint commissioners to improve the westerly branch of Newtown creek.

Powers of commissioners.

Existing provisions of law to apply to said commissioners.

§ 8. The Supreme Court of the State of New York, in the second judicial district, at any general special term thereof, is hereby authorized and empowered to appoint, upon the verified petition of owners of a major part of the land fronting on the improvement herein-after mentioned, three commissioners to improve the westerly branch of Newtown creek; said commissioners are hereby empowered to deepen the channel of the westerly branch of said Newtown creek, from Metropolitan avenue to Ralldolph street, the whole width thereof, to the extension or bulkhead lines now established by law, by dredging or otherwise, to six feet depth of water at low tide. All the provisions of sections two, three, four, five and six of this act shall be held as applying to said commissioners to the improvement in this section authorized, and to the payment of the expenses of the same, as fully as if said sections were here repeated, and as fully as said provisions apply to the commissioners authorized to be appointed by section one of this act, to the improvement therein authorized to be made by them, and to the payment of the expenses thereof.

§ 2. Section two of the act hereby amended is hereby amended by striking out the following words, namely: "That the whole amount of money to be paid under such contract shall not exceed the sum of fifteen thousand dollars."

Clause limiting expense stricken out.

§ 3. This act shall take effect immediately.

## Chap. 724.

AN ACT to provide for increased penalties for riding or driving any animal or animals across the bridges over the streams in the town of Ellisburgh in the county of Jefferson.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall not be lawful for any person to ride or drive any horse or horses, mule or mules faster than a walk over any bridge in the town of Ellisburgh, in the county of Jefferson, which are now or may hereafter be built or erected over any of the streams in said town where the chord is more than twenty-five feet.

Unlawful to ride or drive faster than a walk over certain bridges.

§ 2. It shall not be lawful to drive any neat cattle faster than a walk across bridges referred to in the preceding section, nor shall any person permit more than twenty-five of such stock or cattle to cross together at one time.

Neat cattle, number of at one time.

§ 3. Any person or persons violating either of the preceding sections of this act shall be liable to a penalty not exceeding ten dollars in amount for each and every such offense, to be sued for and recovered in any court having jurisdiction thereof, by any commissioner or commissioners of highways in the town of Ellisburgh, and such penalties when so recovered shall be applied to repairing or building bridges in the said town.

Penalty.

§ 4. No person or persons shall be liable to the penalties under this act unless the commissioner or commissioners of highways shall cause to be conspicuously placed on every bridge included within this enactment a board sign on which shall be printed in fair and legible letters the amount of fine imposed by him or them

Sign to be put up on every bridge.

for the violations referred to in the first and second sections of this act.

Commissioners of highways may fix amount of fines, not exceeding \$10.

§ 5. The commissioner or commissioners of highways of the said town of Ellisburgh are hereby authorized and empowered to fix the amount of fines for violations of this act in any sum not exceeding ten dollars.

§ 6. This act shall take effect immediately.

## Chap. 725.

AN ACT to amend an act entitled "An act to incorporate the National Trust Company of the city of New York," passed April nineteenth, eighteen hundred and sixty-seven.

Passed May 14, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eighteen of the act entitled "An act to incorporate the National Trust Company of the city of New York," passed April nineteenth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Discretionary power of trustees as to loans.

§ 18. The trustees shall have a discretionary power of loaning or otherwise investing the moneys received by them, in public stocks of the United States, or of any State, or the bonds or stock of any incorporated city or county in this State, authorized by law, or interest-paying bonds or dividend-paying stock of any corporation or company, or on bonds and mortgages on unincumbered real estate within the State of New York, worth double the amount loaned thereon. Said company shall not invest in such dividend-paying stocks to an amount exceeding fifty thousand dollars in any one corporation or company. In making loans secured by dividend-paying stocks of any corporation or company, such stocks shall not be taken as collateral at a less margin than twenty per cent. of the market value thereof at the time of making such loan.

§ 2. Section nineteen of said act is hereby amended so as to read as follows:

§ 19. The amount of money which the said corporation shall have in trust, in deposit or loan, at any time, shall not exceed fifteen millions of dollars, and the amount of its outstanding loans shall not exceed sixteen millions of dollars; but the said company may at any time receive on deposit, and loan out any money which may be deposited with them by any of the courts of this State, including the surrogates' courts, notwithstanding the limitations contained in this act, unless the capital stock thereof shall be increased, and in the event of such increase, the amount in trust, deposit or loan, or outstanding loans, may be increased in exact proportions with such increase of capital.

Amount of deposits limited.

§ 3. This act shall take effect immediately.

## Chap. 726.

AN ACT to amend an act passed May eleventh, eighteen hundred and sixty-nine, entitled "An act to lay out and improve a public highway or avenue from Prospect Park, in the city of Brooklyn, toward Coney Island, in the county of Kings."

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first section of the act entitled "An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, towards Coney island, in the county of Kings," passed May the eleventh, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 1. The Brooklyn park commissioners are hereby authorized and directed to lay out a public highway or avenue not more than two hundred and ten feet wide, exclusive of the court-yards hereinafter provided for; commencing on the circle at the southwestern angle of Prospect park, in the city of Brooklyn, and running thence westerly not exceeding two thousand feet, in the discretion of the said commissioners, in the general di-

Park commissioners to lay out avenue.

Route.

May enter upon lands and cause survey and map to be made.

No building to be erected within thirty feet of outside line of said avenue.

After reports of estimate and assessment are confirmed and filed the park commissioners may improve said avenue.

Commissioners may purchase or lease gravel pits.

rection of Franklin avenue, in the town of Flatbush, extending westerly, thence again southerly by such route as the said commissioners shall consider most direct and eligible, through the towns of Flatbush, New Utrecht and Gravesend, at least six hundred and fifty feet west of the Coney Island plankroad, to the road leading from Flatbush to New Utrecht, adjoining the lands of the Prospect Park Fair Grounds Association; and to that end they and their agents are authorized to enter upon any lands which may be required for the purpose, and cause a proper survey and map of the said avenue as well as of the district of assessment therefor to be made.

§ 2. The second section of the said act is hereby amended so as to read as follows:

§ 2. No buildings or other erections except porches; piazzas, fences, fountains and statuary shall remain or be at any time placed upon the said avenue within thirty feet from the outside lines thereof; which space on each side of the said avenue, and in addition thereto, shall be used for court-yards only, and may be planted with trees and shrubbery, and otherwise ornamented at the discretion of the respective owners or occupants thereof; but such use and ornamentation shall be under the direction of the said park commissioners.

§ 3. The seventh section of the said act is hereby amended so as to read as follows:

§ 7. After the reports of estimate and assessment for taking and opening the said avenue shall have been confirmed, they shall, together with the maps hereinbefore referred to, be filed in the office of the clerk of the county of Kings, and the said park commissioners shall be thereupon authorized to improve the said avenue according to a plan to be devised or adopted by them, and for that purpose they may cause the same to be graded, paved, curbed and guttered, and shade trees planted thereon, and may lay out and construct such carriageways, sidewalks and areas, as they may deem expedient, and such improvements may be made in sections, and from time to time, if they shall so elect. The said park commissioners may, in their discretion, purchase or lease one or more gravel pits, for the purpose of its improvement and subsequent maintenance, and pay for the same



out of any fund in their hands applicable to the construction of Prospect park. All expenses incident to such improvements, or either or any of them, after having been duly certified by the said park commissioners to the said commissioners of estimate and assessment, shall be by them apportioned and assessed upon the property in their judgement benefited thereby, within the district of assessment so to be filed by the said park commissioners, and their reports thereon shall be subject to objection and appeal, and to confirmation in the same manner as their said former assessment reports.

Expenses to be apportioned and assessed by commissioners of estimate.

§ 4. The eighth section of the said act is hereby amended so as to read as follows:

§ 8. The said park commissioners may contract in writing for the making of all or any of the said improvements, after inviting proposals for doing the work and furnishing the materials, by publication for one week in said two daily newspapers, filing a copy of each of said contracts in the office of the treasurer of the county of Kings, within ten days after the making of the same. And they may from time to time as the work progresses, but not oftener than once a month, issue to the contractors certificates of the amount of work and materials done and furnished under such contracts. The said treasurer is hereby authorized and directed to pay seventy-five per cent. of such amounts to said contractors or their assigns, and upon the final completion of their said contracts, and upon filing a certificate thereof in the office of the said treasurer, he shall pay to the said contractors or their assigns the balance of the several amounts due under their contracts. The said treasurer shall also pay to the surveyor, commissioners, counsel, and other persons to be employed upon the said work, and upon the laying of the said improvement, assessments such amounts for services and necessary disbursements as shall be specified in the assessment reports after they shall have been duly confirmed by the court. For the purpose of furnishing the money required to make such payments, the county of Kings is authorized, and the proper officers thereof are hereby directed, to issue certificates of indebtedness to the

Park commissioners may contract for making any or all of said improvements.

Contractors, when to be paid.

When surveyors, commissioners and counsel to be paid.

Certificates of indebtedness to be issued.

Tax to  
pay inter-  
est and  
principal.

In case of  
transfer of  
part of  
property  
assessed,  
the park  
commis-  
sioners  
may ap-  
portion  
amount  
assessed  
between  
owners.

Assess-  
ments to  
be liens.

Existing  
provisions  
of law ap-  
plicable to  
sales for  
taxes and  
assess-  
ments,  
etc., to  
apply to  
assess-  
ments

necessary amount not exceeding three hundred thou-  
sand dollars, bearing interest at seven per cent. per  
annum, payable on or before the expiration of ten years  
from the date thereof, interest thereon to be payable  
semi-annually and to sell the same for not less than the  
par value thereof. The board of supervisors of the  
county of Kings shall annually make provision by tax  
for the payment of interest to accrue on such certifi-  
cates, and levy the same on the several parcels of  
property assessed as part of the general tax; and in the  
year preceding the maturity of said certificates, the  
amount of any assessment remaining unpaid, with the  
interest and default if any accrued thereon, shall form  
part of and be levied and assessed upon the property  
chargeable with said assessment, as part of the general  
tax upon said lands for the general expenses of the said  
county. And in case there shall be separate interests,  
divided or undivided, arising from a transfer of the  
assessed property or any part thereof, at or at any time  
previous to the making of said levy or a sale therefor,  
and the same shall be made to appear to the satisfaction  
of the said park commissioners, they may apportion the  
amount assessed thereon between the owners of the  
respective parts thereof, and all provisions of law  
applicable to the redemption of lands from sales for  
taxes shall apply to the several interests and amounts  
so apportioned.

§ 5. The ninth section of the said act is hereby  
amended so as to read as follows:

§ 9. All assessments made and confirmed in pursuance  
of this act, shall be liens upon the lands and premises  
upon which they shall have been laid, and such lands  
and premises shall be subject to be sold for the assess-  
ments referred to in the fifth and sixth sections of this  
act, if such assessments are not paid within ninety days  
after the confirmation thereof. The present existing  
provisions of law applicable to sales for taxes and  
assessments in the city of Brooklyn, to redemptions and  
leases therefor, and to the respective rights of the  
parties interested therein, including the rate of interest  
to be paid by the parties in default, shall apply to all  
assessments to be laid under this act whenever they are

not inconsistent therewith. And when any duties are, by said laws, imposed upon the common council of said city, they shall devolve upon the said park commissioners, and where imposed upon subordinate officers of the city, they shall be performed by persons to be specially appointed by the said park commissioners.

under  
this act.

§ 6. The eleventh section of the said act is hereby amended so as to read as follows:

§ 11. After the said avenue shall have been opened, the said avenue, together with the court-yards fronting thereon, shall be under the exclusive charge and management of the said park commissioners, and they shall make and enforce rules and regulations for the proper use thereof. And after the said avenue shall have been improved as heretofore directed, its subsequent maintenance shall be a charge upon the city of Brooklyn, and such amounts as the said park commissioners shall, from time to time, by resolution, determine to be necessary for the purpose, shall be annually raised by the joint board of common council and supervisors of the city of Brooklyn, and collected in the taxes of the then current year, and paid over to the said park commissioners.

Avenue to  
be under  
exclusive  
charge of  
park  
commis-  
sioners.

Subse-  
quent  
mainte-  
nance  
to be a  
charge on  
city.

§ 7. This act shall take effect immediately.

## Chap. 727.

AN ACT to authorize the board of supervisors of Queens county to issue a warrant for the collection of the taxes of the town of Newtown, Queens county, for the year eighteen hundred and seventy-one.

Passed May 14, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Queens are hereby authorized and directed to issue a warrant directed to Oliver Crooks, the receiver of taxes of the town of Newtown, Queens county, under and pursuant to the provisions of chapter three hun-

Supervi-  
sors to  
issue  
warrant  
for col-  
lection of  
taxes to  
receiver

of taxes  
of town of  
Newtown  
to collect  
unpaid  
taxes of  
the year  
1871.

dred and eighty-five of the Laws of eighteen hundred and seventy-one, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes, in the town of Newtown, Queens county," passed April eleventh, eighteen hundred and seventy-one, which said warrant shall authorize and empower said receiver, on taking the oath and giving the security required by said act, to receive and collect the taxes levied and assessed upon the property, real and personal, of said town, for the year eighteen hundred and seventy-one (or so much thereof as shall then remain uncollected), under and pursuant to the provisions of said act, and of the several statutes applicable thereto. On receiving such warrant, said receiver shall give the notices required by said act, and shall proceed in all respects as therein directed.

Payments  
heretofore  
made to  
be valid.

§ 2. All taxes for the year eighteen hundred and seventy-one, heretofore paid to said receiver shall be deemed and taken to be as effectually paid, and such payments shall discharge the property, real and personal, upon which the said taxes were levied and assessed, from the lien thereof, in the same manner and to the same extent as if paid to said receiver under the warrant provided for by this act.

Not to  
exonerate  
receiver  
or sure-  
ties from  
liabilities  
heretofore  
incurred.

§ 3. Nothing in this act contained shall be so construed as to exonerate the receiver of taxes of said town, or his sureties, from any liabilities incurred by him or them respectively under the warrant for the collection of said taxes, heretofore issued by said board of supervisors, nor shall anything herein contained be so construed as to take away, affect or impair any existing right, claim, action or proceeding of, by, in favor of, or against said receiver or his sureties.

§ 4. This act shall take effect immediately.

## Chap. 728.

AN ACT to amend an act entitled "An act to incorporate the city of Elmira," passed April seventh, eighteen hundred and sixty-four, and the several acts amendatory thereof.

Passed May 15, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section nineteen of title six of an act entitled "An act to incorporate the city of Elmira," passed April seventh, eighteen hundred and sixty-four, and amended by acts of the Legislature passed April seventeenth, eighteen hundred and sixty-five, March thirtieth, eighteen hundred and sixty-six, February sixteenth, eighteen hundred and sixty-seven, and May seventh, eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 19. On the written petition of a majority in number and in feet frontage of the owners of the real estate, adjoining or fronting on any of the streets or highways of said city, the common council shall have the power to cause said streets or highways and gutters therein to be paved with stone or other suitable material, the kind of such pavement and material to be specified in such petition, and shall have the power, without such petition, to macadamize or gravel said streets, highways or gutters, and regulate the grade and slope thereof, and build and maintain suitable crosswalks thereon; to set and lay suitable curb-stones on or along the sides thereof, and proper drains or sewers to be made and constructed in and along any of said streets or highways, and to repave and repair any of said streets, highways or crosswalks, reset and relay any of said curb-stones, and rebuild and repair any of said drains and sewers, whenever said common council shall deem it necessary. Whenever the common council shall intend to make and construct any of said drains or sewers exceeding twenty rods in length, they shall, before ordering the same,

On petition of majority of owners of property fronting on street, common council may cause street to be paved.

May, without petition, gravel streets, construct sewers, etc.

In what cases notice of intention to con-

struct  
sewers to  
be pub-  
lished.

Parties in-  
terested  
to be  
heard.

May ad-  
vertise for  
proposals  
for  
making  
improve-  
ment.

Proposals  
not ac-  
compa-  
nied by  
bond with  
sureties,  
shall not  
be con-  
sidered.

Two-third  
vote neces-  
sary to  
order im-  
prove-  
ments to  
be made.

Expense,  
how  
assessed.

cause a notice of such intention to be published for two weeks successively in the official newspaper of said city stating the time when and the place where said council will meet to act thereupon. At such meeting or at such adjourned or subsequent meeting as they shall order said hearing to be had, they shall hear such reasons as shall be given by or on behalf of all persons interested therein, and previous to said hearing they may, if deemed necessary, cause a survey and map of the proposed improvement to be made, which they shall have at said meeting for the inspection of persons interested therein. Before ordering such improvement to be made the said common council may, if deemed necessary by them, cause a notice to be published in said official newspaper, that on a certain day therein specified, at least two weeks after the publication thereof, sealed proposals for making said improvements and doing said work, with bonds for the faithful performance thereof, will be received by the mayor upon the day mentioned in such notice, or such other time as said common council may prescribe, the mayor shall, in the presence of said common council, open such sealed proposals and the most favorable thereof may be accepted by them. No proposal shall be considered which shall in not be accompanied by a bond with sureties, and a penalty to be approved by said common council, conditioned that if the proposal be accepted, the person making the same will construct the work and make such improvements, at the price and upon the terms proposed, and according to the plans and specifications adopted by said council, and the same shall be subject to the approval and supervision of such person or persons as they may designate for that purpose, and alike subject to the approval of said common council. The said common council may order the said work to be done and the said improvement to be made by a vote of two-thirds of the aldermen in office, by an order which shall be entered in the minutes of their proceedings, and the expenses thereof shall be assessed in the manner following: First: In case the work to be done or improvement to be made shall be the paving of any of said streets, highways or gutters, or

the repaving or repairing the same, or setting, resetting or repairing any of said curb-stones, any and all expenses incurred in and about the same, with the interest thereon at the rate of seven per cent., shall be assessed against the owners of premises adjoining or fronting on any of the said streets or highways, and shall be a lien on said premises in the same manner as taxes duly imposed by this act in said city, from the time said expenses shall be incurred, and a charge and claim against the owners thereof, which may be collected by action or by warrant or sale of the premises, in the same manner as is provided in section four of title six of this act, and the provisions of said section so far as they are applicable hereto, are hereby adopted and made a part thereof, and for the purpose of ascertaining the proportionate shares of such expenses to be paid by each of such owners or said city, the same proceedings shall be had as is provided in sections nine to seventeen of title six of said act inclusive, so far as the same are applicable except as hereinafter provided. Second: In case the work to be done or improvement to be made, is the building or constructing of any drain or sewer, or the rebuilding or repairing thereof separate from any other work, the expenses thereof shall be borne by said city, and the same shall be assessed and collected as other taxes therein. Third: The common council may direct the repaving or repairing of any of said streets, highways or gutters so paved as aforesaid, or the resetting or relaying of any of said curb-stones, or the rebuilding or repairing of any of said drains or sewers when and wherever it shall be necessary, and when, in its opinion, the same cannot be judiciously let upon contract, and determine and assess the expenses of repaving or repairing any of said streets, highways or gutters, or the resetting or relaying any of said curb-stones against the owners of premises adjoining or fronting on any of said streets or highways as is provided in section four of title six of this act, so far as the same is applicable. After an order is passed for paving a street in which a sewer, water or gas mains are placed, and before such paving is laid, the owners of property on said street shall be required, after due notice by the common coun-

When to be paid by owners of adjoining property.

When to be paid by the city.

Common council may direct repaving, etc., and assess expense against owners of adjoining property.

Owners to make service connections with sewer before paving is laid.

cil, to make service connections with said sewer, of such size and dimensions as ordered by said council, to lay pipes connecting with water and gas mains, and in case they shall neglect to do so, the city may put in said pipes and make such connections extending to the sidewalk, the expenses of which shall be a lien upon the property upon and in front of which such improvement is made, and collected in the same manner as for the pavement.

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## Chap. 729.

### AN ACT in relation to the improvement of the Eighth avenue in the city of New York.

Passed May 15, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Damages  
sustained  
by prop-  
erty own-  
ers to be  
assessed  
upon  
property  
to be  
benefited.

SECTION 1. The board of assessors of the city of New York are hereby authorized and directed to assess upon the property intended to be benefited by the regulating, grading and improving the Eighth avenue between Fifty-ninth street and One Hundred and Twenty-second street, the amount of damage or injury which each owner of a building or buildings erected on land fronting on said avenue or street, has or will sustain or suffer by reason of such changes of grades and plan of improvement of said avenue heretofore authorized or directed to be made by the Legislature, or any officer or board in the city of New York, and shall make and file in the finance department of said city a just and equitable statement and award of the amount of such damage, loss or injury to the owner or owners of such building or buildings on lands fronting on such street or avenue, and opposite thereto and affected by such change of grade, and the amount of such award shall be included in the expense of regulating, grading and improving said avenue, and with such expense for regulating, grading and improving said avenue, shall be assessed, as provided in and by the one hundred and seventy-fifth section of the act of April ninth, one thousand eight hundred and thirteen,



entitled "An act to reduce the several laws relating to the city of New York into one act."

§ 2. The comptroller of the city of New York is hereby authorized and directed to issue assessment bonds of said city to pay the amount of such loss or damage so assessed by said board of assessors, together with such an amount as may be necessary to pay the expenses or costs that have been, or may hereafter be, necessary for the regulating, grading and improving said avenue.

Comptroller to issue assessment bonds to pay damages.

§ 3. This act shall take effect immediately.

## Chap. 730.

### AN ACT for the relief of the Standard Life Insurance Company.

Passed May 15, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever it shall appear to the satisfaction of the Superintendent of the Insurance Department, that all of the outstanding policies and annuity bonds of the Standard Life Insurance Company of the city of New York, and all claims under the same, have been assumed and re-insured by the Government Security Life Insurance Company of said city, it is hereby declared that said policies and annuity bonds shall be deemed and taken to be the policies and annuity bonds of said Government Security Life Insurance Company, and all such claims shall be deemed and taken to be claims against said Government Security Life Insurance Company, in the same manner and to the same extent as though such policies and bonds had been originally issued by said Government Security Life Insurance Company, subject, nevertheless, and saving and reserving to said company any legal defense which said Standard Life Insurance Company had, or might have had, to any such claim, or to any of said policies or bonds. And the said Government Security Life Insurance Company may be sued upon any such claim in the same manner and with the like effect, as though the same arose upon a policy or bond originally issued by it.

When policies, etc., of Standard Life Ins. Co. to be taken and deemed policies, etc., of the Government Life Ins. Co.

Government Life Ins. Co. may be sued upon such claims.

General deposit held by Insurance Department declared to be held in trust for policy holders of Standard Life Ins. Co. in common with those of the Government Life Ins. Co.

When superintendent to transfer funds and deposit of Standard Life Ins. Co. to credit of the Government Life Ins. Co.

Surplus funds and securities to be re-assigned to Standard Life Ins. Co.

§ 2. The general deposit of one hundred thousand dollars held in the Insurance Department of this State, in trust for the policy-holders of the Government Security Life Insurance Company, under the provisions of an act entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of said companies," passed June twenty-fourth, eighteen hundred and fifty-three, and the acts supplementary thereto, is hereby declared to be held as such general deposit in trust for the policy-holders of the Standard Life Insurance Company in common with and as a portion of, the policy-holders of said Government Security Life Insurance Company; and the Superintendent of the Insurance Department, when satisfied as provided in the first section hereof, that said Government Security Life Insurance Company has assumed and re-insured the policies and annuity bonds of the Standard Life Insurance Company, is hereby authorized and directed to transfer to the special deposit account of said Government Security Life Insurance Company, such portions of the funds or securities constituting the general deposit account of the Standard Life Insurance Company in said department as shall have been assigned by said last named company, to said Government Security Life Insurance Company, to be held under the provisions of chapter nine hundred and two of the Laws of eighteen hundred and sixty-nine. And the said Superintendent is further authorized and directed to re-assign and transfer to said Standard Life Insurance Company, on written application from said company, the remaining funds and securities held by him for said company, after complying with the preceding provisions of this section and of section nineteen of chapter four hundred and sixty-three of the Laws of eighteen hundred and fifty-three.

§ 3. This act shall take effect immediately.

## Chap. 731.

## AN ACT to establish the Seventh ward in the city of Elmira.

Passed May 15, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that part of the present third ward of the city of Elmira lying east of the center of the Chemung canal and north of the center of East Fifth street (as the same is laid down on Converse's map of said city, published in eighteen hundred and sixty-five), and of a straight line drawn as a continuation of said East Fifth street, to the eastern boundary of said city shall be the seventh ward, and the remaining portion of said third ward shall continue to be the third ward of said city.

§ 2. The officers of said third ward in office at the time this act shall take effect shall be and continue the officers of said third ward for the terms for which they shall have been elected or appointed, except inspectors of election, whose terms shall be deemed to expire at the time this act shall take effect. And the said seventh ward shall be entitled to have and elect the same officers for the same terms with the same duties and liabilities as provided by law in reference to the other wards of said city.

§ 3. Such of said officers as are elective by law in said seventh ward shall be elected at a special election therefor hereby appointed to be held therein on the fourth Tuesday of May, eighteen hundred and seventy-two, and of which election the city clerk shall give the usual notice now required by the charter of said city as regards elections in said city, and the common council shall fix the place in said seventh ward whereat such election shall be held. One of the aldermen to be elected at said election shall hold his office until the annual election in eighteen hundred and seventy-three, provided for in the charter of said city, and the other

Seventh ward.

Third ward.

Certain officers of third ward to continue in office until expiration of term.

Officers to be elected for seventh ward.

Special election fourth Tuesday of May, 1872.

Term of office of aldermen.

Common  
council to  
appoint in-  
spectors.

alderman shall hold his office until the said annual election in eighteen hundred and seventy-four, and the term for which the person voted for is intended shall be designated on the ballot. The common council of said city shall appoint inspectors of election for said seventh ward for such special election, and shall appoint inspectors for said third ward to fill the vacancies created by this act; and at such special election no registration of voters shall be required.

§ 4. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 5. This act shall take effect immediately.

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## Chap. 732.

AN ACT to amend an act in relation to the cleaning of the streets, avenues, lanes, alleys, gutters, wharves, piers and heads of slips in the city of New York, and the removal of all ashes, garbage, rubbish and sweepings, and all dead animals, blood, offal and other refuse matter, and all bones, fish not fit for human food, and all diseased, tainted and impure meats, and other like matters in said city, therefrom, and in relation to the supervision and enforcement of and the cancellation of existing contracts and arrangements in respect thereto, passed May fourteenth, eighteen hundred and seventy-two.

Passed May 15, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of the act mentioned in the title to this act is hereby amended by inserting after the words "cancelled and determined" where they occur in said section the words "as being unauthorized and void, or if valid," and also by inserting after the words "agreement or" where they occur in said section the words "as being unauthorized and void, or if valid."

~~§ 2.~~ The said act is hereby further amended by adding thereto the following:

§ 3. This act shall take effect immediately.

## Chap. 733.

AN ACT making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations.

Passed May 15, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Treasurer shall pay, on the warrant of the Comptroller, from the several funds specified, to the persons indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish in full the purposes designated by the appropriations; but no warrant shall be issued except in cases of salaries or extra compensation for official services until the amounts claimed shall have been audited and allowed by the Comptroller, who is hereby authorized to determine the same. The persons demanding payment shall present to him, if required, a detailed statement in items verified by affidavit, and if such account shall be for services it must show when, where, and under what authority they were rendered; if for expenditures, when, where, and for what, and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses the accounts must also specify the distance traveled, the places of starting and destination, the duty or business, the date and items of expenditure. On all accounts for transportation, furniture, blank and other books furnished for use of office, binding, blanks, printing, stationery and postage, a bill duly certified must also be furnished; but, whenever an appropriation shall have been made for the same purpose, or the amount shall have been provided otherwise, the sums herein directed to be paid

Payments  
by Treas-  
urer.

Comp-  
troller to  
audit  
certain  
claims.

Vouchers  
to be pre-  
sented.

shall not be considered as an addition to such appropriation unless it shall be expressly so declared in this act. For the purpose of a full and perfect examination into the items of any bill herein allowed, the Comptroller is further authorized to examine, under oath to be administered by him, any person applying for any appropriation herein named.

Appropriations.

§ 2. The following amounts are hereby appropriated for the several objects specified, namely :

FROM THE GENERAL FUND.

For chaplains of the Legislature.

For the clergymen officiating as chaplains of the Senate and Assembly during the present session of the Legislature, for compensation, to be paid, one-half to the Clerk of the Senate and one-half to the Clerk of the Assembly, for distribution by them to those clergymen, at the rate of three dollars for every day of attendance, six hundred dollars.

Clerk of the Assembly.

For the Clerk of the Assembly for revising, mailing, sending to members of the Assembly, previous to the organization of the next house, the Clerk's Manual, two hundred and fifty dollars.

Clerk of the Senate.

For the Clerk of the Senate, five hundred dollars, and for the Clerk of the Assembly, seven hundred and fifty dollars, for indexing the journals, bills and documents of the Senate and Assembly; for the Clerk of the Senate, four hundred dollars, and for the Clerk of the Assembly, seven hundred and fifty dollars for compensation for extra clerical services and engrossing; and for the clerks and journal clerks of the sub-committees of the whole, of the Senate and Assembly, to each of them, three hundred dollars.

Clerk of the Assembly, for funeral of William M. Ely.

For the Clerk of the Assembly, for advances for expenses in relation to the funeral of Honorable William M. Ely, including drapery in rear of the Speaker's chair, the engrossing and framing of the resolutions of the Assembly, and the expenses of the Assembly committee in attending the funeral, three hundred and seventeen dollars and fifty-three cents; for advances for expenses of the funeral of Honorable Peter G. Peck, late member of Assembly, three hundred and eight dollars and forty cents; for advances for expenses in rela-

Of Peter G. Peck.

tion to the funeral of Professor Morse, two hundred and thirty dollars; and for advances for expenses attending the funeral of Honorable Erastus Corning, one hundred and twenty-five dollars; and for advances for carrying the mails of the Assembly from the commencement of the session until the fifth of February, eighteen hundred and seventy-two, the sum of twenty-two dollars.

Of Professor Morse.

Of Erastus Corning.

To the Clerk of the Senate, for advances for expenses attending the funeral of Honorable Jacob Hardenbergh, the sum of one hundred and thirty-five dollars and fifty cents.

Clerk of the Senate for funeral of Jacob Hardenbergh. Carrying mails.

For the Clerk of the Senate, for advances for carrying the mails of the Senate from the commencement of the session until the fifth day of February, eighteen hundred and seventy-two, the sum of thirty-five dollars.

To the Clerk of the Assembly, for advances for carriages and other expenses for Governor, Court of Appeals and committees from Senate and Assembly, for funeral of the late Senator Hardenbergh at Kingston, one hundred and fifty-eight dollars.

Clerk of Assembly, for expenses at funeral of Senator Hardenbergh.

For the clerks, and the journal, assistant and deputy clerks, and stenographers of the Senate and Assembly, for compensation for clerical and stenographic services from and after the tenth day of April, until the close of the present session, to each of them, the same per diem compensation respectively as their respective salaries as now established by law would give per day for a session of one hundred days. And to the clerks of the President of the Senate and Speaker of the Assembly, and the clerks of the committees on engrossed bill, to each of them six dollars per day, for services from and after the tenth day of April until the close of the present session, such service, to be certified by the presiding officers of the respective houses of the Legislature,

Clerks, assistant clerks, deputies and stenographers of Senate and Assembly.

Clerks of President of Senate and Speaker of Assembly.

For the clerk of the committee on ways and means of the Assembly, for additional compensation, five hundred dollars; for the clerks of the committees on the affairs of cities of the Senate and Assembly, to each of them, for additional compensation, three hundred dollars; for the clerk of the committee on finance of the Senate, and the clerks of the committees on judiciary of

Clerks of committees, for additional compensation.

the Senate and Assembly, to each of them, for additional compensation, two hundred and fifty dollars; and for the clerks of the committees on railroads, commerce and navigation and on canals, of the Senate and Assembly, to each of them, for additional compensation, one hundred and fifty dollars.

Clerk of committee to investigate case of Jas. Terwilliger.  
A. S. Burdick.

For the clerk of the special committee appointed by resolution of the Senate to investigate and report upon the charges against James Terwilliger, clerk of the Senate, one hundred dollars.

For A. S. Burdick, clerk of the committee on apportionment, thirty-five dollars.

John N. Parker.

For John N. Parker, for repairs in the Assembly chamber and clerk's rooms, the sum of thirty-eight dollars and forty-one cents.

J. & W. J. Blackall.

For J. & W. J. Blackall, for locks, keys, etc., and repairs in clerk's desk, clerk's rooms, Assembly library and committee rooms, the sum of sixty-four dollars and forty cents.

Private Secretary of the Governor.

For the private Secretary of the Governor, for additional compensation for the calendar year eighteen hundred and seventy-two, one thousand dollars.

S. B. Griswold.

For Stephen B. Griswold, for preparing catalogues of the library of the Court of Appeals and for unpacking, arranging, labeling and shelving the same, one hundred dollars.

Messenger of Clerk of Court of Appeals.

For the messenger to the Clerk of the Court of Appeals and the State Engineer and Surveyor (one and the same messenger), from April first, eighteen hundred and seventy-one, to October first, eighteen hundred and seventy-two, nine hundred dollars.

S. H. Sweet.

For Sylvanus H. Sweet, late Deputy State Engineer and Surveyor, for work and clerk hire in preparation of the annual report on railroads for the year eighteen hundred and seventy-one, one thousand five hundred dollars, to be refunded to the treasury by the several railroad corporations of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the Laws of eighteen hundred and fifty-five.

A. J. Chester.

For A. J. Chester, for services for thirteen months in posting accounts in the "School Fund Loan," and



making an index to "Bond Books," in the Comptroller's office, during the administration of William F. Allen, late Comptroller, five hundred and seventy dollars.

For Hugh F. Dunn and James McFarlane, for extra compensation as attendants on the Commission of Appeals during the years eighteen hundred and seventy and eighteen hundred and seventy-one, to each of them, one hundred and twenty-six dollars.

Hugh F.  
Dunn and  
James Mc-  
Farlane.

For M. M. Jones, late chief clerk to the Secretary of State, for extra services in supervision of the printing of the Session Laws of eighteen hundred and seventy-one, and Legislative Manual, five hundred dollars.

M. M.  
Jones.

For Thomas Willard, for transcribing one thousand forty-two pages of the Assembly journal of eighteen hundred and seventy-one, pursuant to a resolution of the House of Assembly, dated April twenty, eighteen hundred and seventy-one, the sum of five hundred dollars; and hereafter no person other than the clerks of the Assembly shall be assigned to such duty.

Thomas  
Willard.

For Charlotte B. Briggs, of Canandaigua, widow of Gilman P. Briggs, who at the time of his death, on the twenty-first day of February last, was, and for several months previously had been, a clerk in the Department of Public Instruction, the sum of one hundred and seventy dollars, being his salary for the month of February, and his extra compensation for the months of January and February, eighteen hundred and seventy-two, in full of all compensation and extra compensation allowed him by law.

Charlotte  
B. Briggs,  
widow of  
Gilman P.  
Briggs.

For James Barnes, late Deputy State Engineer and Surveyor, for preparation of the annual report of the State Engineer and Surveyor on railroads for the year eighteen hundred and sixty-six, and for compiling and indexing the Laws of the State, to be refunded to the treasury by the several railroad corporations of this State in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the Laws of eighteen hundred and fifty-five, the sum of one thousand dollars.

James  
Barnes.

For the Comptroller, to be distributed by him among the persons entitled thereto, for extra labor performed by the clerks in his office in preparing for and making a

To Comptroller, to  
pay clerks  
for extra  
labor.

sale of lands in eighteen hundred and seventy-one, for arrears of taxes for the years eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four and eighteen hundred and sixty-five; stating accounts to purchasers and issuing fourteen thousand certificates of sale, the sum of twenty-four hundred dollars.

Clerk of  
Commission  
of  
Appeals.

For the clerk of the Commission of Appeals for additional compensation and expenses of crier, attendants and clerks for the May term of the commission to be held in the city of New York, five hundred dollars, to be paid to the clerk of the commission upon his certificates of the service of the various parties among whom he shall distribute the same.

A. G.  
Hawley.

To A. G. Hawley, for services as clerk to the committees of agriculture and militia of the Senate, during the session of eighteen hundred and seventy-one, the sum of five hundred and thirty-six dollars, the same having been omitted by mistake from the supply bill of eighteen hundred and seventy-one by an error in engrossing the same.

Office of  
Secretary  
of State.

For the office of the Secretary of State, for deficiency in clerk hire from January first to October first, eighteen hundred and seventy-two, two thousand dollars.

Anson S.  
Wood.

For Anson S. Wood, Deputy Secretary of State, for indexing the session Laws of eighteen hundred and seventy-two, and for preparing marginal notes to the same, and for services as clerk of the Commissioners of the Land Office from January first to October first, eighteen hundred and seventy-two, and for extra compensation for the last three-quarters of the current fiscal year, the sum of eleven hundred and twenty-five dollars; provided, that said Deputy Secretary of State shall not be entitled to receive the extra compensation given by the act of the Legislature of eighteen hundred and seventy-two, entitled "An act providing for additional compensation to deputies, clerks, and assistants in the various departments of the State government."

Edward  
P. Gould.

For Edward P. Gould, chief clerk in the office of the Secretary of State, for the last three-quarters of the present fiscal year, the sum of three hundred and seventy-five dollars; but no extra compensation shall hereafter

be allowed him for the supervision of the printing of the Session Laws and Legislative Manual of eighteen hundred and seventy-two.

For the Deputy Treasurer, for extra compensation for the last three-quarters of the current fiscal year, the sum of seven hundred and fifty dollars; provided, that said Deputy Treasurer shall not be entitled to receive the extra compensation given by the act of the Legislature of eighteen hundred and seventy-two, entitled "An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government."

Deputy  
Treasurer.

To the State Reporter, for deficiency in salary for balance of fiscal year, nine hundred and forty-one dollars, sixty-seven cents.

State Re-  
porter.

For John W. Dickson, for expenses incurred by him in attending as a witness on the eighth day of March, eighteen hundred and seventy-one, at Albany, under and by virtue of a subpoena summoning him to attend as such on the first day of March before the committee on insurance, the sum of twenty-five dollars.

John W.  
Dickson.

For Mrs. Mary Moquin, mother of Charles D. Moquin, for his services as messenger to the committee on claims of the Senate during the session of eighteen hundred and seventy, the sum of two hundred dollars, the same being a re-appropriation of the amount appropriated to C. D. Moquin.

Mary  
Moquin.

For Robert Richards, as messenger of the committee on insurance, from January second to February fifteenth, eighteen hundred and seventy-two, the sum of one hundred and thirty-five dollars.

Robert  
Richards.

For H. B. Baxter, for services as clerk of the committee on internal affairs of the Assembly, from the commencement of the session of eighteen hundred and seventy-two until the eighth day of February, the sum of one hundred and ninety dollars.

H. B.  
Baxter.

For Wm. H. Stevens, for two days' services in reporting Senate debates and transcribing the same, thirty dollars.

Wm. H.  
Stevens.

For H. Rulison, for making a statistical list of the Senators and officers of the Senate and their boarding places, twenty-five dollars.

H. Rul-  
ison.

Hiram  
Calkins.

For Hiram Calkins, for preparing an index of the papers on the files of the Senate, and also a classified index of the bills introduced into the Senate, pursuant to a resolution of the Senate adopted April twenty-first, eighteen hundred and seventy-one, five hundred dollars.

A. J.  
Myers.

For A. J. Myers, postmaster of the Senate of eighteen hundred and seventy-one, for fourteen days' service after the adjournment, and for four days' service at the opening of the present session, and mileage, ninety-nine dollars.

Leopold  
Stark.

For Leopold Stark, postmaster's messenger of the Senate of eighteen hundred and seventy-one, forty-two dollars, for fourteen days' service after the adjournment.

H. A.  
Homes.

For Henry A. Homes, for two years extra labor in preparing condensed catalogue of the State Library, in accordance with the instructions of the Board of Regents, the sum of five hundred dollars.

Jennie  
Stanton.

For Jennie Stanton, for services as engrossing clerk for the Assembly in the year eighteen hundred and seventy-one, the sum of two hundred dollars.

Verplanck  
Colvin.

For Verplanck Colvin, of Albany, N. Y., ten hundred dollars, to aid in completing a survey of the Adirondack wilderness of New York, and a map thereof; and he shall render to the Legislature, within thirty days after the opening of the next annual session thereof, a full report of his explorations and survey.

Geo. W.  
Chapman.

For Geo. W. Chapman, late Canal Commissioner, for his compensation in making his final report after the expiration of his term of office, the sum of three hundred dollars.

Charles H.  
Peck.

For Charles H. Peck, for disbursements in the field, as State botanist, one hundred and forty-five dollars and six cents.

Cornelius  
Ten  
Broeck.

For Cornelius Ten Broeck, deputy clerk of the Court of Appeals, for extra compensation for the last three-quarters of the current fiscal year, provided, that said deputy clerk shall not be entitled to receive the extra compensation given by the act of the Legislature of eighteen hundred and seventy-two, entitled "An act providing for additional compensation to deputies, clerks, and assistants in the various departments of the State government," seven hundred and fifty dollars.

For George Tunnecliff and Edwin C. Shafer, for extra services in the Executive Department, to each of them the sum of two hundred dollars, and to Edward Miggael, for extra services as military messenger, one hundred dollars.

Executive clerks.

For Albert V. V. Dodge, the Governor's messenger, for extra compensation, one hundred dollars.

A. V. V. Dodge.

For the trustees of the State Library, for additional shelving, one thousand dollars.

Trustees of State Library.

For William Wasson, late Canal Appraiser, for extra compensation for services, the sum of seven thousand and seventy-seven dollars and seventy-eight cents.

William Wasson.

For Joseph N. Green, one hundred and ninety-seven dollars for the balance of his claim as allowed in the supply bill of eighteen hundred and seventy-one.

Joseph N. Green.

The sum of twenty-five thousand dollars is hereby appropriated for the completion of the new armory in the city of Auburn, and the Inspector-General of the State, Elmore P. Ross, John S. Clark, John H. Chedell, Clinton D. McDougall and Charles W. Pomeroy are hereby appointed commissioners for such purpose; but no part of said sum shall be paid over to said commissioners until the last named five commissioners shall execute a bond to the people of the State of New York, to be approved by the Comptroller, conditioned that they will faithfully discharge their duties as such commissioners, and truly account to the Comptroller for all moneys received by them for the purpose aforesaid; but said commission shall not receive any compensation for any service, or either of them, directly or indirectly, in any contract for materials or labor.

New armory at Auburn. Commissioners.

For the State armory at Oswego, for completing the same and for necessary heating apparatus, according to architect's estimate and the recommendation of the Inspector-General and Quartermaster-General, the sum of nine thousand two hundred and fifty dollars.

State armory at Oswego.

For the completion of the State armory at Schenectady, for firing platform and cannon house, five thousand dollars.

At Schenectady.

For the purpose of building a fence to inclose the arsenal grounds in the city of Rochester, and to repay the sums already necessarily expended in fitting up and

Fencing arsenal grounds at Rochester.

furnishing the rooms in the arsenal, the sum of eighteen thousand dollars.

State  
armory at  
Syracuse.

The sum of ten thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, in addition to the sum of twenty thousand dollars appropriated by chapter seven hundred and sixty-eight of the Laws of eighteen hundred and seventy-one, which sum is hereby re-appropriated for the purpose of enlarging and completing the State armory at Syracuse, for the use of the twenty-fourth brigade, National Guard of the State of New York, and for the housing and protection of the park of artillery attached thereto, to be expended under the direction of the Inspector-General of the State of New York, the Chief of Ordnance of the State of New York, Brigadier-General John A. Green, of the twenty-fourth brigade, National Guard, Henry L. Duguid and Thomas B. Fitch, of the city of Syracuse, are hereby appointed commissioners for that purpose, and shall serve as such without compensation. The said John A. Green, Henry L. Duguid and Thomas B. Fitch shall, before entering upon the execution of this commission, execute to the people of this State a bond in the penal sum of sixty thousand dollars, with satisfactory securities, to be approved by the Comptroller and Treasurer of the State, conditioned for the faithful discharge of their duties as such commissioners. All vouchers for expenditures under this appropriation are to be subject to the approval of the Comptroller.

Commissioners.

Commissioners of  
Land  
Office to  
sell arsenal at  
Batavia.  
J. L.  
Snow.

The Commissioners of the Land Office are hereby authorized, pursuant to law, to sell the State arsenal at Batavia, and the grounds thereof, if, in their opinion, they deem such sale advisable.

For J. L. Snow, for services and disbursements as clerk to the commission appointed by chapter seven hundred and fifteen, Laws of eighteen hundred and seventy-one, the sum of one hundred and fifty dollars.

Late State  
Engineer.

For the late State Engineer and Surveyor, for extra traveling expenses during the year eighteen hundred and seventy-one, four hundred dollars.

James C.  
Brown

For James C. Brown, for extra services in the Department of Public Instruction from the first of January to

the first of October, eighteen hundred and seventy-two, five hundred and sixty-two dollars and fifty cents.

For services and expenses in the preparation and prosecution of the war claims of the State against the United States, thirteen thousand dollars, or so much thereof as may be necessary, to be paid on the certificate of the Governor of this State, provided that such allowance shall not exceed in all two per cent. upon the amount which has been allowed and passed to the credit of the State since January first, eighteen hundred and sixty-nine, and the same per centage on the amount of any further settlement and allowance which may be made before the first day of January next.

Expenses of prosecuting war claims against U. S.

For the expenses of the officers of the United States service appointed by the President of the United States to revise the exterior lines of the harbor of New York, to be paid upon vouchers to be furnished to and audited by the Comptroller of this State, the sum of five thousand dollars, or so much thereof as may be necessary.

Expenses of officers of the U. S. to revise exterior lines of harbor of New York.

For the city of Albany, for amount apportioned and assessed by the authorities of said city upon the lot on the west side of Eagle street and north side of State street, between Maiden lane and Hawk street in said city, designated on the map returned to the common council of said city as Capitol park, etc., for the benefit derived by said lot in consequence of a drain constructed by order of said city authorities, the sum of four thousand six hundred and fifty-six dollars and twenty-eight cents, to be paid on the certificate of the Attorney General.

City of Albany, for street assessments.

For the city of Utica, for the amount apportioned and assessed by the authorities of said city upon the property belonging to the State in said city, connected with the New York State Lunatic Asylum, for constructing sewer in Warren street in said city; for grading York street and for iron well at the southwest corner of Court and York streets, the sum of three hundred and twenty-two dollars and seventy-eight cents, to be paid on the certificate of the Attorney-General.

City of Utica, for street assessments.

For the city of Rochester, for the amount apportioned and assessed by the authorities of said city upon the property belonging to the State known as the Western

City of Rochester, for sewer assessments.

House of Refuge, for sewer constructed in Lake avenue and Varnum street in said city, the sum of three thousand two hundred and forty-one dollars.

Erie  
county,  
for bridge  
across  
Cattaraugus  
creek,  
on Indian  
reservation

For the re-imbursement of Erie county, to be paid to the treasurer thereof, for moneys advanced and paid by said county, interest being reckoned to date, for building a bridge across Cattaraugus creek, on the Indian reservation, the sum of six thousand one hundred and ninety-two dollars and eighty-two cents; and the paragraph of chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, page one thousand five hundred and seventy-nine, appropriating five hundred dollars for that purpose, is hereby repealed.

O. B.  
Latham.

For O. B. Latham, late Capitol Commissioner, for his expenses in the preparation of the memorial to the Legislature, in the matter of the new Capitol, Assembly document number one hundred and sixty-five, April tenth, eighteen hundred and sixty-nine, the sum of one hundred dollars.

Legal  
representatives  
of  
William  
M. Ely.

For the legal representatives of the Hon. William M. Ely, late a member of the Assembly, for his per diem allowance during the present session, three hundred dollars, and for mileage, twenty-eight dollars and forty cents.

Of Peter  
G. Peck.

For the legal representatives of the Hon. Peter G. Peck, deceased, late a member of the Assembly, the sum of one hundred and twenty-three dollars, for the balance of his per diem allowance during the present session.

Of Jacob  
Hardenbergh.

The legal representatives of the late Hon. Jacob Hardenbergh, late State Senator, are hereby authorized to draw his per diem allowance during the present session, three hundred dollars, and the mileage allowed by law, twelve dollars.

Office of  
Comptroller,  
for  
furniture,  
books,  
etc.

For the office of the Comptroller, for furniture, blank and other books necessary for the use of the office, binding, blanks, printing, and other necessary expenses, three thousand five hundred dollars.

Postage.

For postage for the public offices, one thousand eight hundred dollars.

Office of  
Attorney-  
General.

For the office of the Attorney-General, for furniture, blank and other books necessary for the use of the office,



binding, blanks, printing, and other necessary incidental expenses, five hundred dollars.

For the Land Office, for compensation and mileage of the Lieutenant-Governor and Speaker of the Assembly, for their attendance at the meetings of the Commissioners of the Land Office, and for assessments and other expenses of public lands, six thousand dollars.

for books,  
etc.

Land  
Office, for  
Lieuten-  
ant Gov-  
ernor, and  
Speaker.

For the hall of the State Cabinet of Natural History and the Agricultural Museum, for repairs, cleaning, labor, gas, fuel, compensation of keeper, and other necessary expenses, three thousand dollars.

State  
Cabinet of  
Natural  
History,  
for re-  
pairs, etc.

The unexpended remainder of one hundred and sixty-five dollars and five cents of the appropriation made by chapter seven hundred and seventeen of the Laws of eighteen hundred and sixty eight, and chapter four hundred and ninety-two, Laws of eighteen hundred and seventy, to the State Cabinet of Natural History for the purchase and binding of books, is hereby re-appropriated in the terms therein stated for the same purpose. The course of lectures required by chapter five hundred and fifty-seven, Laws of eighteen hundred and seventy, and chapter seven hundred and eleven, Laws of eighteen hundred and seventy-one, may be discontinued in the discretion of the Regents of the University; and the resolution of the Legislature of eighteen hundred and sixty-nine, requiring the opening and lighting of the rooms of the State Cabinet of Natural History, is hereby rescinded.

For books.

Lectures  
may be  
discon-  
tinued.

For compensation of the agents designated by the Comptroller to examine the accounts of auctioneers, five hundred dollars.

Agents to  
examine  
auction-  
eers' ac-  
counts.

For the State Hall, for expenses for repairs, cleaning, labor, gas, and other necessary expenses, five thousand five hundred dollars.

State Hall.

For the Capitol, for expenses for repairs, cleaning, labor, gas, and other necessary expenses, five thousand dollars.

Capitol.

For the office of the State Engineer and Surveyor, for furniture, blank and other books necessary for the use of the office, binding blanks, printing, and other necessary expenses, one thousand five hundred dollars.

Office of  
State  
Engineer,  
for books,  
etc.

Office of  
Secretary  
of State,  
for books,  
etc.

For the office of the Secretary of State, for furniture, blank and other books necessary for the use of the office, binding, blanks, printing, and other necessary expenses, one thousand five hundred dollars.

Office of  
State  
Treasurer,  
for books,  
etc.

For the office of the State Treasurer, for furniture, blank and other books necessary for the use of the office, binding, blanks, printing, and other necessary expenses, two hundred dollars.

Printing  
for Legis-  
lature,  
official  
canvass,  
etc.

For printing for the Legislature, including wrapping and binding; also for the publication of the official canvass and other official printing, and for printing and binding the Session Laws of eighteen hundred and seventy-two, one hundred and twenty-five thousand dollars.

Electors of  
President  
and Vice-  
President.

For the electors of President and Vice-President, and for special messenger, for compensation, three thousand dollars.

Sheriff, for  
transporta-  
tion of  
convicts.

For the compensation of sheriffs, for transportation of persons indicted for capital offenses, who have been, or may be, delivered to the superintendent of the State Lunatic Asylum for Insane Convicts at Auburn, in pursuance of chapter six hundred and sixty-six of the Laws of eighteen hundred and seventy-one, five hundred dollars.

For the sheriffs of the several counties of this State, for compensation for transportation of convicts to the State prisons, houses of refuge and penitentiaries of this State, two thousand dollars.

Stationery  
for public  
offices.

For stationery for the public offices and departments, five hundred dollars.

Clerk of  
Court of  
Appeals.

For the clerk of the Court of Appeals, for deficiency in his salary for the last fiscal year, in pursuance of chapter seven hundred and eighteen, Laws of eighteen hundred and seventy-one, one thousand one hundred and four dollars and sixty-two cents.

Criers and  
attendants.

For the criers and attendants of the Court of Appeals and Commission of Appeals, three thousand dollars.

Office of  
Clerk of  
Court of  
Appeals,  
for furni-  
ture, etc.

For the office of the clerk of the Court of Appeals, for furniture, blank and other books necessary for the use of the office, binding, blanks, printing, and other necessary expenses, one thousand dollars.

For the office of the Superintendent of Public Instruction, for furniture, blank and other books necessary for the use of the office, binding, blanks, printing, and other necessary expenses, two thousand five hundred dollars.

Office of Superintendent of Public Instruction, for furniture, etc.

For refunding moneys paid into the State treasury by railroad companies by mistake, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Refunding moneys paid by mistake.

For advertising, printing and services of auctioneer in connection with tax sale held by the Comptroller, in September, eighteen hundred and seventy-one, seven thousand one hundred and forty-five dollars and fifty-cents.

Tax sale, expenses of.

For the Legislature for advances for contingent expenses of the Clerk of the Senate and the Clerk of the Assembly, six thousand dollars; and for postage, expenses of committees, compensation of witnesses, the Legislative Manual, the Clerk's and Crosswell's Manual and other contingent expenditures, eight thousand dollars.

Contingent expenses of Legislature. Postage, witnesses' fees, etc.

For the purchase of coin for the payment of the interest on the general fund debt, including the Indian annuities, seven thousand five hundred dollars, or so much thereof as may be necessary.

Purchase of coin for interest on debt.

For the payment of bounties, in pursuance of section thirty-nine, chapter seven hundred and twenty-one of the Laws of eighteen hundred and seventy-one, eight hundred dollars.

Payment of bounties.

For the second Deputy Comptroller, in order to make his compensation in all equal to three thousand dollars per annum for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two, the sum of one thousand three hundred and fifty dollars, or so much thereof as may be necessary.

Second Deputy Comptroller.

For providing additional room for the Comptroller's office and paying the expense incident thereto, the sum of three thousand dollars, or so much thereof as may be necessary.

Additional room for Comptroller's office.

For counsel to assist the Attorney-General, pursuant to chapter three hundred and fifty-seven of the Laws of

Counsel to assist Attorney-General.

eighteen hundred and forty-eight, and to supply deficiency in the present condition of that fund for the balance of the current fiscal year, the sum of sixteen hundred and ten dollars.

Deputy  
Attorney-  
General.

For the Deputy Attorney-General, for extra compensation for the last three quarters of the current fiscal year, the sum of eleven hundred and twenty-five dollars, provided, that said Deputy Attorney-General shall not be entitled to receive the extra compensation given by the act of the Legislature of eighteen hundred and seventy-two, entitled "An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government."

Refunding  
money to  
purchas-  
ers in  
cases  
where  
patents  
have been  
cancelled.

For refunding to purchasers of lands from the State in case the patents have been cancelled by the Commissioners of the Land Office, the sum of one thousand dollars, or so much thereof as may be necessary, to be paid on the order of said commissioners and audit of the Comptroller.

Warbur-  
ton, Bon-  
yng and  
Underhill.

For Warburton, Bonyng and Underhill, stenographers, for reporting and transcribing the testimony taken before the Assembly committee on commerce and navigation, in the matter of investigation into the charges against the Pacific Mail Steamship Company, the sum of eighty-three dollars.

Treasurer  
of port  
wardens  
of the  
port of  
N. Y.

The Comptroller of this State is hereby authorized, cut of the unexpended balance remaining in the treasury of the sum appropriated to the port-wardens of the port of New York, by chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, page five hundred and eighty, to pay to the treasurer of the said port-wardens the sum of six hundred and twenty-eight dollars and sixty-four cents, for books and stationery furnished them.

Binding  
the U. S.  
census.

For binding the United States census of eighteen hundred and seventy, as transmitted to the office of the Secretary of State of this State from the Census Bureau at Washington, the sum of two hundred dollars, or so much thereof as may be necessary.

N. Y. S.  
Poultry  
Society.

For the New York State Poultry Society, the sum of fifteen hundred dollars, to be paid upon the order of Thomas B. Kingsland, as president.

For Richard H. Mapes, to re-imburse him for costs and expenses incurred by him in defending his title to lands purchased from the State, and to refund to him the consideration money paid for the same, the sum of five hundred dollars, or so much thereof as shall be certified by the Attorney-General and the State Engineer and Surveyor to be a just and legal claim against the State, in case the State was an individual or corporation.

Richard  
H. Mapes.

For M. R. Patrick, of Manlius, New York, late cattle commissioner, for expenses incurred in the years eighteen hundred and seventy and eighteen hundred and seventy-one by the commissioners, with the approval of the Governor and late Comptroller, and to reimburse him for advances made by him in paying such expenses, the sum of one thousand dollars or so much thereof as may be necessary, to be audited by the Comptroller.

M. R.  
Patrick.

For David A. Wells, George W. Cuyler and Edwin Dodge, commissioners appointed to report upon the tax and assessment laws of the State, for expenses and compensation to February, eighteen hundred and seventy-two, when they closed their labors, the sum of six thousand dollars, to be adjusted and apportioned as follows: three thousand dollars thereof to David A. Wells, and the balance thereof to be divided equally between the other two commissioners.

Commissioners to report upon tax and assessment laws.

For the commissioners to revise the statutes of the State, appointed under chapter thirty-three of the Laws of eighteen hundred and seventy, for deficiency in the appropriation for their expenditures for clerical services and other incidental matters, for the fiscal year commencing October one, eighteen hundred and seventy-one, the sum of three thousand dollars.

Commissioners to revise the statutes.

For the board of commissioners on steam navigation on the canal, appointed under chapter eight hundred and sixty-eight of the Laws of eighteen hundred and seventy-one, for their reasonable expenses in the discharge of their duty, the sum of five thousand dollars, or so much thereof as may be necessary, to be determined by said board of commissioners.

Commissioners on steam navigation on the canals.

Commissioners  
under  
chapter  
864, Laws  
of 1868.

For Van R. Richmond, John T. Agnew and Henry O. Chesebro, for compensation for services as commissioners appointed under chapter eight hundred and sixty-four of the Laws of eighteen hundred and sixty eight, to appraise the value of the lands under water belonging to the State, mentioned in said act, to each of them the sum of five hundred dollars.

Commissioners  
under  
chapter  
668, Laws  
of 1871.

For services and expenses of medical commissioners appointed by the Governor and courts of oyer and terminer, pursuant to chapter six hundred and sixty-six, Laws of eighteen hundred and seventy-one, to inquire into the medical condition of persons under indictment or conviction for offenses, the punishment of which is death, two thousand dollars, the amount to be paid in each case to be certified by the Governor.

Commissioners  
under  
chapter  
613, Laws  
of 1866.

For the commissioners appointed to confer with the State of New Jersey in regard to quarantine jurisdiction, boundary line, etc., pursuant to section seven, chapter six hundred and thirteen, Laws of eighteen hundred and sixty-five, for compensation and expenses, three thousand dollars.

Commissioners of  
fisheries.

For the commissioners of fisheries, to be expended as they may deem proper, upon vouchers to be approved by the Comptroller, for the purpose of replenishing the lakes and rivers of this State with fish, the sum of fifteen thousand dollars.

Dwight  
King.

For Dwight King, for services as the secretary of the Ruloff lunacy commission, the sum of one hundred and fifty dollars.

Checks of  
late Pay-  
master-  
General.

To pay certain checks drawn by John D. Van Buren, George Bliss, Junior, and Selden E. Marvin, late Paymaster-General, to the order of enlisted men for bounty due to them respectively, paid into the treasury under chapter seven hundred and fifty-six of the Laws of eighteen hundred and sixty-nine, the sum of five thousand dollars, or so much thereof as may be necessary.

Certifi-  
cates  
issued to  
soldiers of  
war of  
1812.

The sum of two thousand nine hundred and eighty-four dollars and forty-nine cents, being the balance in the treasury appropriated by the acts chapter four hundred and seventy, Laws of eighteen hundred and sixty-nine, and chapter five hundred and twenty-four, Laws of eighteen hundred and seventy, is hereby re-appro-

priated to the payment of certain certificates issued to the militia of this State for services in the war of eighteen hundred and twelve, as provided in said acts.

For erecting a school-house on the Onondaga reservation, for the use of the Onondaga Indians, the sum of five hundred dollars, to be paid to and expended under the direction of the Honorable Horatio Seymour, of Utica, and the Reverend F. D. Huntington, bishop of the diocese of central New York, if the same shall be deemed advisable by the Superintendent of Public Instruction and which school is to be subject to the visitation and control of the Superintendent of Public Instruction.

School-house on Onondaga reservation.

For erecting a school-house for the use of the St. Regis tribe of Indians, the sum of two hundred and fifty dollars, if the same shall be considered necessary by the Superintendent of Public Instruction, to be paid to and expended under the direction of said Superintendent, and which school is to be subject to his visitation and control.

School-house for St. Regis tribe of Indiana.

For the county of Niagara, to re-imburse the same for money paid out in the support of Susan Green, an insane Indian woman, and an inmate of Niagara county alms house, three hundred dollars, or so much thereof, as may be necessary.

Niagara county, for support of Susan Green.

For the ordnance department, payable to Samuel W. Johnson of that department, for its use, on the certificate of the Adjutant-General, the sum of forty dollars for a United States flag (ensign 10x19) for the use of the St. Regis Indians.

Ordnance department, for flag for St. Regis Indians.

For Dolly Johnson, an Oneida Indian, to re-imburse her for all sums of money, including attorneys' and counsel fees, which have been actually and reasonably expended by her or for which she is liable, in and about procuring the passage of the act, chapter five hundred and twenty-nine of the Laws of eighteen hundred and sixty-nine, and in and about proceedings before the Commissioners of the Land Office, for the purpose of vacating the patent for the lands mentioned in said act of eighteen hundred and sixty-nine, the sum of six hundred dollars, or so much thereof as may be necessary. The Comptroller is hereby authorized to re-

Dolly Johnson.

quire the production of vouchers, upon oath, specifying the items of such expenditures and liabilities.

Annuities  
to Stock-  
bridge  
Indians.

For Nelson K. Hopkins, Comptroller, to pay balance of annuities to nine Stockbridge Indians, one hundred and forty-two dollars, with interest at six per cent. per annum, transferred from the credit of Sanford E. Church, late Comptroller, to the general fund deposit, December first, eighteen hundred and seventy.

Taylor  
and  
Water-  
man, for  
carpets,  
etc.

For Taylor and Waterman, for carpets, shades, webbing and other materials supplied for the Capitol, and for labor performed on the same, two thousand one hundred and thirteen dollars and thirteen cents; and for oil cloth supplied for the executive chamber, and for labor performed therein, seventeen dollars and seventeen cents; and for carpets supplied for the Adjutant-General's office, and for labor performed therein, five hundred and eight dollars and twenty-five cents.

Henry  
Smith.

For Henry Smith, employed by the late Attorney-General for attending Fulton countyoyer and terminer, upon the designation of the Attorney-General, to aid the district attorney on the trial of the people against John Lucas, indicted for murder, and for attending an adjourned term when said cause was tried, the sum of one thousand dollars.

Amasa J.  
Parker.

For Amasa J. Parker, for compensation for his services as counsel, rendered on the request of the late Secretary of State, in attending and arguing twice before the Supreme Court, and once before the Court of Appeals, to resist an application for a mandamus to compel the Secretary of State to file an unauthorized certificate of incorporation, the sum of six hundred dollars.

Joseph  
Potter.

For Joseph Potter, for costs and expenses incurred in defense of a suit brought against him by the people on the relation of Samuel W. Jackson, to test his right to the office of justice of the Supreme Court under the election of November, eighteen hundred and seventy-one, to be verified by oath, and to be certified by a justice of the Supreme Court to be just and reasonable, the sum of fifteen hundred and fifty-nine dollars and fifty cents, or so much thereof as may be necessary.

Samuel  
Jackson.

For Samuel W. Jackson, for costs and expenses incurred in the suit brought to test the right to the office



of justice of the Supreme Court under the election of November, eighteen hundred and seventy-one, as between Samuel W. Jackson and Joseph Potter, to be verified by oath, and certified by a justice of the Supreme Court to be just and reasonable, the sum of nine hundred and fifty-seven dollars and seventy-five cents, or so much thereof as may be necessary.

For Rufus W. Peckham, Junior, employed by the late Attorney-General, two thousand dollars for counsel and services in behalf of the people on the trial of the indictment for murder against David Montgomery, at Rochester, including his services on the preliminary issue of insanity, the trial and all proceedings preliminary thereto; the said sum when paid to be in full of all demands on account of said case.

R. W.  
Peckham,  
Jr.

For Robert E. Andrews, of Hudson, New York, employed by the late Attorney-General, the sum of one thousand dollars for counsel and services in behalf of the people on the trial of the indictment for murder against Aratus F. Pierce, at Lockport, and for expenses in going to and returning from the place of trial.

Robert E.  
Andrews.

For Lorenzo Morris, of Fredonia, New York, employed by the late Attorney-General, the sum of five hundred dollars for counsel and services in behalf of the people on the trial of the indictment for murder against Charles Marlow, in Chautauqua county, and for all his expenses and charges in that case.

Lorenzo  
Morris.

For Rollin Tracy, of Auburn, for his costs and expenses in the several courts in defending the interests of the State in the suit brought by Hall and Lewis against Morgan Augsbury as agent of the State prison at Auburn, and the parties composing the firm of Sheldon and Company as contractors therein, six hundred and seven dollars and fifty cents; and to re-imburse him for moneys paid by him for printing cases and briefs in said case in Supreme Court and Court of Appeals, two hundred and sixty-six dollars and twenty-five cents; to reimburse him for moneys paid by him to engineers for surveys and maps used on the trial of said case, two hundred dollars; and for his counsel fee on the trial thereof, two hundred and fifty dollars.

Rollin  
Tracy.

David  
Wright.

For David Wight, of Auburn, for the costs taxed in the suit brought by Hall and Lewis against Morgan Augsbury as agent of the Auburn State Prison, and the parties composing the firm of Sheldon and Company as contractors therein, the sum of three hundred and sixty-eight dollars and forty-eight cents, and the further sum of seventy-seven dollars and thirty-seven cents as interest thereon from the seventeenth day of March, eighteen hundred and sixty-nine; and also the sum of one hundred and twelve dollars and eighty-eight cents for the costs taxed in said suit on appeal to the general term, and the further sum of fifteen dollars and eighty cents as interest on said last named sum from March twelve, eighteen hundred and seventy.

Charles B.  
Sedgwick.

For Charles B. Sedgwick, for counsel fee for argument in the Court of Appeals and subsequently in attending before a judge of the court on settling the modified judgment in the case of Hall and Lewis against Morgan Augsbury and Sheldon and Company, as the representatives of the interest of the State, the sum of five hundred dollars.

Frederick  
L. West-  
brook.

For Frederick L. Westbrook, upon the designation of the late Attorney-General, for preparing brief and arguing cause at the general term at Albany in the January term, eighteen hundred and seventy-two, and subsequently in the Court of Appeals in March, eighteen hundred and seventy-two, and expenses in attending courts on the trial of the indictment of the people against Thomas Bennett, indicted for murder, the sum of five hundred and fifty dollars.

Amasa J.  
Parker.

For Amasa J. Parker, for counsel fees and expenses incurred on the retainer of the late Attorney-General in the suit of the people against the Central Railroad Company of New Jersey, the sum of nine hundred and eighty one dollars and six cents, or so much thereof as shall be certified by the Governor to be fair and reasonable.

Lorenzo  
Morris.

For Lorenzo Morris, for compensation for assisting district attorney of Chautauqua county, on the trial of the capital case of the people against Marlow, upon the requisition of the Governor, the sum of one thousand dollars.

For Elbridge G. Lapham, for compensation for assisting the district attorney of Oneida county, on the trial of the capital case of the people against McGee, upon a requisition of a justice of the Supreme Court, and for compensation for assisting said district attorney in the capital case of the people against Josephine McCarthy, upon a like requisition, the sum of six hundred dollars, or so much thereof as shall be certified by the Governor to be fair and reasonable.

Elbridge  
G. Lapham.

For Peter S. Palmer, for services as counsel in the Black river canal claims before the Canal Appraisers, for traveling expenses in attending meetings of the Board of Canal Appraisers, and visiting and examining the reservoir, and in taking testimony, one thousand four hundred and seventy-nine dollars and twenty-six cents.

Peter S.  
Palmer.

For David P. Loomis, for services and expenses as counsel for the State in seventy-four canal claim cases, upon the certificate of the Canal Appraisers, the sum of four hundred and forty-eight dollars and one cent.

David P.  
Loomis.

From and after the passage of this act the district attorney for any county in which an important criminal case is to be tried, with the approval in writing of the county judge of the county, which shall be filed in the county clerk's office, may employ counsel to assist him in such trial, and the cost and expense thereof to be certified by the judge presiding on such trial shall be a charge upon the county in which the indictment in the case is found, and shall be assessed, levied and collected by the board of supervisors of such county at its next annual assessment, levy and collection of county taxes after such services shall have been performed, and thereupon be paid over to the party entitled to the same.

District  
attorney  
of any  
county,  
with ap-  
proval of  
county  
judge,  
may  
employ  
counsel in  
criminal  
cases, and  
the ex-  
pense  
thereof  
to be a  
county  
charge.

For compensation to the members of the court for the trial of impeachments, other than the judges of the Court of Appeals, which members shall receive for their services while actually attending said court, when summoned, the same rate of compensation as the judges of the Court of Appeals (other than the chief judge) are entitled by law to receive for their services and expenses for the same time, and for compensation of the managers on the part of the Assembly, who shall receive the same rate of compensation as the members of said court of

Compensation of  
members of  
the court for  
the trial of  
impeachments  
and of  
managers.

Of officers  
of the  
court.

Expenses  
of man-  
agers and  
counsel  
employed  
by them.

Comp-  
troller to  
adjust  
accounts  
of H. C.  
Tanner  
and trea-  
surer to  
pay same.

Law libra-  
ries of the  
5th and 8th  
judicial  
districts.

impeachment (other than the said chief judge) are entitled to receive for services and expenses for the same time, thirty-five thousand dollars, or so much thereof as shall be necessary; and for the per diem and mileage of the officers of said court at the same rate as the same officers are allowed by law for attendance upon the Legislature, and for the expenses of necessary stenographic assistants and printing, service of subpoenas (where not served by an officer of the court) and for fees of witnesses to be paid on the certificate of the president of the court, fifteen thousand dollars, or so much thereof as shall be necessary; and for the necessary expenses of the managers and of counsel employed by them during the trial, not above provided for, to be paid on the certificate of the chairman of said board of managers, six thousand dollars, or so much thereof as may be necessary; and the Comptroller is hereby authorized to pay the expenses of printing the testimony heretofore taken by the judiciary committee of the Assembly in the judicial investigation in the city of New York, and authorized by resolution of the Assembly, and the sum of six thousand dollars, or so much thereof as shall be necessary, is hereby appropriated for that purpose.

The Comptroller of this State is hereby authorized and directed to adjust the account of Hudson C. Tanner, stenographer, for reporting the Black river claims, so called, and when so adjusted the Treasurer shall pay him at the same rate, proportionately for actual service, and when actually subject to the direction of the State attorney in those cases, less the amount already paid, as the Assembly stenographer is entitled to receive for reporting and transcribing, and to re-imburse him for moneys expended by him for assistant stenographers and other necessary disbursements, and for that purpose the sum of nine thousand two hundred and seven dollars, or so much thereof as may be necessary, is hereby appropriated.

For the law library of the eighth judicial district, fifteen hundred dollars, and for the law library of the fifth judicial district, four thousand dollars for the purchase of books.

For the Superintendent of Public Instruction, additional compensation for the year ending April first, eighteen hundred and seventy-two, the sum of twenty-five hundred dollars; and for the fractional part of the year, ending September thirtieth, eighteen hundred and seventy-two, the sum of twelve hundred and fifty dollars; and hereafter the said Superintendent shall receive no other compensation than that allowed by law.

Superintendent of Public Instruction.

For the State Prison at Sing Sing, for the support of the quarry works, to be paid from moneys received from the income of said works, seven thousand dollars per month, and any part of this appropriation not used in any one month can be drawn and used in any succeeding month, if required; and all receipts derived from said quarry works shall be reported monthly to the Comptroller, and the moneys derived therefrom shall be paid monthly into the treasury of the State; and for the purchase of testaments and books for the library of said prison, the sum of five hundred dollars, to be paid to the chaplain, upon the production by him of the proper vouchers for the same, subject to the approval of the Comptroller; for building and repairs, five thousand dollars; for dock and basin, five thousand dollars, and for repairing mess-room floor, five hundred dollars.

State Prison at Sing Sing.

For the Auburn State Prison, for building and repairs, two thousand dollars; for purchase of land for burying ground for prison and asylum, five hundred dollars; for slating and repairing roofs, one thousand dollars; for paints and oils, five hundred dollars; for new doors, casements and locks for north wing, ten thousand dollars; and for replenishing the library for the use of the convicts therein, five hundred dollars, and for supplying an additional number of testaments and hymn books, two hundred dollars; these two last items to be expended under the direction of the chaplain of the prison, upon vouchers to be approved by the Comptroller.

Auburn State Prison.

For the purpose of enlarging the Asylum for Insane Convicts at Auburn, the sum of twenty-five thousand dollars, to be expended by the Inspectors of State Prisons, and in the construction of said enlargement, said inspectors are required to employ convict labor as far as practicable, and they may take such or so many convicts,

Asylum for Insane Convicts at Auburn.

skilled in mechanical labor from any of the prisons of this State, as may be necessary.

Clinton  
State  
Prison.

For the Clinton State Prison, for making an inclosure to the prison, two thousand dollars; for repairs to the State plankroads, one thousand dollars; for finishing the new coal kilns, five hundred dollars; for the prison library, to be expended under the direction of the chaplain of the prison, upon vouchers to be approved by the Comptroller, five hundred dollars; for finishing and furnishing the new tailor shop, five hundred dollars; and for the salary of the superintendent of the manufacturing department for one year ending May fifth, eighteen hundred and seventy-two, two thousand dollars.

State  
prisons

For the support and maintenance of the State prisons, for the residue of the current fiscal year, including expenses of manufacturing at Clinton Prison, three hundred and seventy-five thousand dollars.

Rev. Jas.  
Hasson.

For the Reverend James Hasson, for religious and other services rendered to the convicts at Sing Sing Prison, nine hundred dollars.

David B.  
McNeill.

For David B. McNeill, for compensation in making up report of Inspectors of State Prisons, after the expiration of his term of service, one thousand dollars. Hereafter no such compensation shall be paid to any Inspector of State Prisons. And any failure on the

Failure of  
Inspect-  
ors to  
make  
report, a  
misdemeanor.

part of said Inspectors hereafter to make their annual report to the Comptroller, at the time and in the manner now required by law, shall be a misdemeanor on the part of each of such Inspectors, and shall subject each of them to the indictment and punishment now provided by law for misdemeanors. And the Comptroller of this State, or such persons as he may appoint in his place, shall have power, at any time that he may deem proper, to make such examination as he may deem necessary into the affairs of the prisons of this State, and for that purpose shall have the powers of a court of record to subpoena witnesses and compel their attendance, to administer oaths and to examine such witnesses under oath, in relation to any matters pertaining to such prisons. The persons whom he may appoint shall also have power to examine all the books, papers and vouchers of said prisons; and it shall be the duty of any and all the

Comptroller  
may ex-  
amine into  
affairs of  
prisons of  
this State.

officers of said prisons to furnish the persons appointed by said Comptroller with all books, papers and vouchers pertaining to said prisons, whenever they shall be demanded by said persons so appointed by said Comptroller.

For Nelson K. Hopkins, Comptroller, sixteen hundred and and sixty-eight dollars and seventy-two cents, with interest thereon at six per cent. per annum, to be calculated upon balances, at any time in the treasury, of moneys deposited to the credit of James Wheat, a life convict in the State Prison at Auburn, to be paid by said Comptroller to Salmon Wheat, his father, upon the order of said James Wheat, convict, duly attested by the keeper of the State Prison at Auburn, and properly acknowledged before a notary public.

For Comptroller to pay moneys deposited by James Wheat to Salmon Wheat, upon order of said Jas. Wheat.

For Mary Doheny, to re-imburse her for her costs and expenses incurred by her in defending her title to lands purchased by her grantor from the State, and to refund to her the consideration money paid therefor, and interest thereon, and for taxes paid and improvements made on said lands by her, the sum of four hundred and twenty-two dollars, or so much thereof as shall be certified by the Attorney-General and the State Engineer and Surveyor to be a just and legal claim against the State, in case the State was an individual or corporation.

Mary Doheny.

For Frederick Kilian, for repayment of expenses incurred by him in the case of the contested election for member of Assembly for the fifteenth district of the county of New York, as follows, namely: For compensation of counsel, one thousand two hundred and fifty dollars; for traveling expenses and disbursements, one hundred and twenty-five dollars; and, for compensation as member of Assembly for the period that his seat was held by Alexander Frear, three dollars per day and the allowance for mileage which is made by law to the members of the Legislature; but one allowance for mileage for the whole time is to be made to him.

Frederick Kilian.

For Alexander Frear, for compensation of counsel employed by him in the case of the contested election for member of Assembly for the fifteenth district of the

Alexander Frear.

county of New York, the sum of fourteen hundred and fifty dollars.

John H.  
Reynolds.

For John H. Reynolds, five hundred dollars for counsel fees for defending the right of the sitting member from the nineteenth Assembly district of the county of New York to his seat.

John J.  
Blair.

For John J. Blair, for compensation of counsel employed by him in the case of the contested election for member of Assembly for the fourth district of the county of New York, the sum of four hundred and seventy-five dollars, and for expenses of witnesses and their traveling expenses, one hundred and eighteen dollars.

James  
Dunphy.

For James Dunphy, for compensation of counsel employed by him in the case of the contested election for member of Assembly for the second district of the county of New York, and for his expenses incurred therein, the sum of four hundred and fifty dollars.

For such  
persons  
as the  
Supreme  
Court  
decides  
are enti-  
tled there-  
to, moneys  
paid into  
State  
treasury  
by admin-  
istrator of  
Diedrich  
Schmon-  
sees.

For such persons as the Supreme Court may, on notice to the Attorney-General, pursuant to the statute, decide are entitled to the same or any part thereof, the sum of thirteen hundred and thirty-three dollars and sixty-six cents, heretofore paid into the treasury of the State by E. A. Roe, treasurer of the county of Queens, as administrator of the estate of Diedrich Schmonsees, deceased, on or about the twenty-eighth day of June, eighteen hundred and seventy-one, to the credit of such estate.

Erection  
of the  
new Cap-  
itol.

The sum of one million dollars is hereby appropriated towards the erection of the new Capitol, which shall be paid by the Treasurer upon the warrant of the Comptroller to the order of the new Capitol Commissioners as they shall require the same. Whenever there is a deficiency in the treasury of moneys applicable to the payment of this appropriation, the Comptroller is hereby authorized and required to borrow, from time to time, such sums as the said Commissioners may require, and the money so borrowed shall be refunded from the moneys received from the taxes levied to meet this appropriation.

Statue of  
George  
Clinton.

For furnishing a statue of George Clinton to be placed in the Capitol at Washington, the sum of twelve thou-



sand five hundred dollars, or so much thereof as may be necessary.

For the Normal School at Fredonia, to be paid to and expended by the local board thereof for improving the heating apparatus of said school, the sum of three thousand dollars.

Normal  
School at  
Fredonia.

For supplying the Potsdam Normal School building with water, six hundred dollars.

At Pots-  
dam.

For the Normal School at Geneseo, to be paid and expended by the local board for repairing and replacing the heating apparatus of said school, the sum of three thousand dollars.

At Gene-  
seo.

For the Normal School at Cortland, the sum of one thousand dollars appropriated by chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, for repairs, etc., but not drawn, is hereby re-appropriated to be paid upon the certificate of the Superintendent of Public Instruction as provided in said act.

At Cort-  
land.

For the Normal School at Buffalo, to be expended by the local board thereof, for repairing of the school building, six thousand dollars, or so much thereof as may be necessary.

At Buf-  
falo.

For the Normal School at Brockport, for repairs to be expended by the local board, three thousand dollars or so much thereof as may be necessary.

At Brock-  
port.

For the National Lincoln Monument Association, to assist in the erection of a suitable monument at the grave of Abraham Lincoln, at Springfield, in the State of Illinois, and particularly for completing the adornment of the grounds for the same; for the flag-stones and walks around the base of the monument, and for the bronze doors and panels in the memorial hall thereof, the sum of ten thousand dollars, to be paid to the treasurer of such association when evidence shall be furnished to the Comptroller that a sufficient amount of funds has been secured to build the monument. This appropriation is in lieu of a like amount appropriated in chapter four hundred and eighty-one of the Laws of eighteen hundred and sixty-seven, and is a re-appropriation thereof for the same purpose.

National  
Lincoln  
Monu-  
ment  
Associ-  
ation.

When to  
be paid.

Theodore  
F. Olm-  
stead,  
treasurer  
of Living-  
ston  
county.

For Theodore F. Olmstead, treasurer of the county of Livingston, one thousand eight hundred and four dollars and seventy-one cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and seventeen of the Laws of eighteen hundred and sixty-eight, and chapter eight hundred and fifty-seven of the Laws of eighteen hundred and sixty-nine, but which it is claimed has not been drawn, and said sum is hereby re-appropriated and shall be paid into the treasury of said county of Livingston upon the receipt thereof by the above mentioned Theodore F. Olmstead, as such treasurer, if upon investigation the Comptroller shall ascertain that the same has not been paid and is due.

Nathan P.  
Wheeler,  
treasurer  
of Chen-  
ango  
county.

For Nathan P. Wheeler, county treasurer of the county of Chenango, the sum of four hundred and eighty-two dollars and ninety-six cents, and the sum of eight hundred and forty-two dollars and sixty-three cents, being the amounts claimed to be due said county pursuant to chapter eight hundred and seventeen of the Laws of eighteen hundred and sixty-eight, and chapter eight hundred and fifty-seven of the Laws of eighteen hundred and sixty-nine, respectively, but which sums have not been drawn, and said sums it is claimed\* are hereby re-appropriated and shall be paid into the treasury of said county of Chenango upon the receipt thereof by the above mentioned Nathan P. Wheeler, as such treasurer, if upon investigation the Comptroller shall ascertain the same have not been paid and are due.

Wm. D.  
Brennan,  
treasurer  
of Frank-  
lin county,  
"as such  
treas-  
urer."

For William D. Brennan, county treasurer of the county of Franklin, "as such county treasurer," the sum of four hundred and twenty-nine dollars and fifty-five cents, being the amount due said county pursuant to chapter eight hundred and fifty-seven of the Laws of eighteen hundred and sixty nine, but which sum has not been drawn, and said sum is hereby re-appropriated, and shall be paid into the treasury of said county of Franklin, upon the receipt thereof by the above named William D. Brennan, as such treasurer, if upon investigation the Comptroller shall ascertain the same has not been paid and is due.

\* So in the original.

For the treasurer of the county of Herkimer, eight hundred and thirty-nine dollars and thirty-seven cents, that being the amount claimed to be due said county, pursuant to chapter eight hundred and fifty-seven, Laws of eighteen hundred and sixty-nine, but which said amount it is claimed has not been drawn, and it is hereby re-appropriated, and shall be paid into the treasury of said county of Herkimer, subject to the order of the board of supervisors thereof, if upon investigation the Comptroller shall ascertain that the same has not been drawn and is due.

Treasurer  
of Herki-  
mer  
county.

For James McDermott, messenger to the postmaster of the Assembly of eighteen hundred and seventy-one, the sum of three hundred and eighty-one dollars and fifty cents, that being alleged to be the amount due him as such messenger, but which it is alleged he has not received, the same to be paid by the Comptroller when he is satisfied that the said McDermott was entitled to and has not received his pay.

James Mc-  
Dermott.

For the treasurer of the county of Otsego, nine hundred and forty-nine dollars and eighty-one cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and fifty-seven, Laws of eighteen hundred and sixty-nine; and nine hundred and sixty-five dollars and fifty cents, that being the amount claimed to be due said county pursuant to chapter seven hundred and four, Laws of eighteen hundred and seventy; and the sum of nine hundred and thirty-one dollars and sixty-five cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and sixty-nine, Laws of eighteen hundred and seventy-one, but which said amounts, it is claimed, have not been drawn, and they are hereby re-appropriated and shall be paid into the treasury of said county of Otsego subject to the order of the board of supervisors thereof, if upon investigation the Comptroller shall ascertain that the same have not been drawn and are due.

Treasurer  
of Otsego  
county.

The Comptroller is hereby authorized to withhold payment of any appropriation named in chapter eight hundred and fifty-seven, Laws of eighteen hundred and

Comp-  
troller  
may with-  
hold  
certain

appropri-  
ations.

sixty-nine, seven hundred and four, Laws of eighteen hundred and seventy, and eight hundred and sixty-nine, Laws of eighteen hundred and seventy-one, when possessed of information from any responsible source which in his judgment will justify such action until the objection is removed.

Willard  
Asylum  
for the  
Insane.

For the Willard Asylum for the Insane, to be expended under the direction of the trustees thereof, for the completion, furnishing, heating, putting in steam, water and gas pipe, and for sewerage of the north wing extension, and for the detached buildings now partially erected, and for finishing and furnishing the same, thirty-five thousand dollars; for enlarging and equipping the laundry thereof, for grading and ornamenting the grounds, and for completing the center buildings and wings, twenty thousand dollars; for the erection and furnishing of two dormitory buildings, to complete the group of detached buildings now in course of erection, thirty-five thousand dollars; for the extension and improvement of piers, dock and harbor, five thousand dollars; for the improvement of the farm, making fences, bridges and roads, and the purchase of stock and implements, ten thousand dollars; for fuel until the first of October, eighteen hundred and seventy-two, six thousand dollars, and after said first of October, eighteen hundred and seventy-two, the necessary fuel shall be included among the expenses of maintaining the patients of said institution; for fire engine and appliances for extinguishing fire, ten thousand dollars; and for furnishing a permanent supply of water, fan and furniture, ten thousand dollars. Section three of chapter three hundred and forty-two of the Laws of eighteen hundred and sixty-five is hereby so amended as to allow the employment of a building superintendent other than one of the board of trustees of said asylum.

Buffalo  
State  
Asylum  
for the  
Insane.

For the Buffalo State Asylum for the Insane, for the construction of buildings, to be paid to, and expended by, the trustees thereof, the sum of one hundred and fifty thousand dollars, and the following named persons are hereby appointed managers thereof in addition to those heretofore appointed: Silas H. Fish, Joseph

Managers.

Churchyard, Robert G. Stewart, Orlando Allen, Philip Houck, Alonzo Tanner and Merritt Brooks, whose respective terms of office shall be and continue for five years.

To the New York State Institution for the Blind at Batavia, for furnishing, repairs, improvement of grounds and other necessary expenses, ten thousand dollars, or so much thereof as may be necessary.

N. Y. S.  
Institution  
for the Blind  
at Bata-  
via.

For the managers of the Society for the Reformation of Juvenile Delinquents in the city of New York, commonly called the House of Refuge on Randall's Island, for deficiencies in the support and maintenance of juvenile delinquents therein for the year ending on the first day of January, eighteen hundred and seventy-two, the sum of twelve thousand six hundred and ninety dollars and ninety-eight cents; and to enable the board of managers of said institution to make necessary alterations in the school buildings, kitchen and laundry thereof, and to erect a suitable workshop on the premises for the temporary employment of a class of boys discharged from confinement and awaiting employment elsewhere, the sum of thirty-five thousand dollars.

Managers  
of the  
Society  
for the  
Reforma-  
tion of  
Juvenile  
Delin-  
quents in  
the city of  
N. Y.

Chapter seven hundred and twenty-four of the Laws of eighteen hundred and seventy-one, entitled "An act to define the powers of the corporation attorney of the city of New York, in suits for fines and penalties," passed April twenty-six, eighteen hundred and seventy-one, is hereby repealed, and section three of chapter thirteen, of the Laws of eighteen hundred and thirty-nine is hereby re-enacted, so that all license money received by the mayor or other authorities in the city of New York, for permission to exhibit theatrical or equestrian performances within said city, shall be paid over by the officer receiving the same to the treasurer of the Society for the Reformation of Juvenile Delinquents in the city of New York, for the use of said society.

Chapter  
724, Laws  
of 1871,  
repealed.

Section 3,  
chapter  
13, Laws  
of 1839, re-  
enacted.

For the Thomas Asylum, for orphan and destitute Indian children, for the education and maintenance of one hundred children at the rate of eighty-five dollars per capita, eight thousand five hundred dollars.

Thomas  
Asylum,  
for  
orphan  
Indian  
children.

Of officers  
of the  
court.

Expenses  
of man-  
agers and  
counsel  
employed  
by them.

Comp-  
troller to  
adjust  
accounts  
of H. C.  
Tanner  
and trea-  
surer to  
pay same.

Law libra-  
ries of the  
5th and 8th  
judicial  
districts.

impeachment (other than the said chief judge) are entitled to receive for services and expenses for the same time, thirty-five thousand dollars, or so much thereof as shall be necessary; and for the per diem and mileage of the officers of said court at the same rate as the same officers are allowed by law for attendance upon the Legislature, and for the expenses of necessary stenographic assistants and printing, service of subpoenas (where not served by an officer of the court) and for fees of witnesses to be paid on the certificate of the president of the court, fifteen thousand dollars, or so much thereof as shall be necessary; and for the necessary expenses of the managers and of counsel employed by them during the trial, not above provided for, to be paid on the certificate of the chairman of said board of managers, six thousand dollars, or so much thereof as may be necessary; and the Comptroller is hereby authorized to pay the expenses of printing the testimony heretofore taken by the judiciary committee of the Assembly in the judicial investigation in the city of New York, and authorized by resolution of the Assembly, and the sum of six thousand dollars, or so much thereof as shall be necessary, is hereby appropriated for that purpose.

The Comptroller of this State is hereby authorized and directed to adjust the account of Hudson C. Tanner, stenographer, for reporting the Black river claims, so called, and when so adjusted the Treasurer shall pay him at the same rate, proportionately for actual service, and when actually subject to the direction of the State attorney in those cases, less the amount already paid, as the Assembly stenographer is entitled to receive for reporting and transcribing, and to re-imburse him for moneys expended by him for assistant stenographers and other necessary disbursements, and for that purpose the sum of nine thousand two hundred and seven dollars, or so much thereof as may be necessary, is hereby appropriated.

For the law library of the eighth judicial district, fifteen hundred dollars, and for the law library of the fifth judicial district, four thousand dollars for the purchase of books.

For the Superintendent of Public Instruction, additional compensation for the year ending April first, eighteen hundred and seventy-two, the sum of twenty-five hundred dollars; and for the fractional part of the year, ending September thirtieth, eighteen hundred and seventy-two, the sum of twelve hundred and fifty dollars; and hereafter the said Superintendent shall receive no other compensation than that allowed by law.

Superintendent of Public Instruction.

For the State Prison at Sing Sing, for the support of the quarry works, to be paid from moneys received from the income of said works, seven thousand dollars per month, and any part of this appropriation not used in any one month can be drawn and used in any succeeding month, if required; and all receipts derived from said quarry works shall be reported monthly to the Comptroller, and the moneys derived therefrom shall be paid monthly into the treasury of the State; and for the purchase of testaments and books for the library of said prison, the sum of five hundred dollars, to be paid to the chaplain, upon the production by him of the proper vouchers for the same, subject to the approval of the Comptroller; for building and repairs, five thousand dollars; for dock and basin, five thousand dollars, and for repairing mess-room floor, five hundred dollars.

State Prison at Sing Sing.

For the Auburn State Prison, for building and repairs, two thousand dollars; for purchase of land for burying ground for prison and asylum, five hundred dollars; for slating and repairing roofs, one thousand dollars; for paints and oils, five hundred dollars; for new doors, casements and locks for north wing, ten thousand dollars; and for replenishing the library for the use of the convicts therein, five hundred dollars, and for supplying an additional number of testaments and hymn books, two hundred dollars; these two last items to be expended under the direction of the chaplain of the prison, upon vouchers to be approved by the Comptroller.

Auburn State Prison.

For the purpose of enlarging the Asylum for Insane Convicts at Auburn, the sum of twenty-five thousand dollars, to be expended by the Inspectors of State Prisons, and in the construction of said enlargement, said inspectors are required to employ convict labor as far as practicable, and they may take such or so many convicts,

Asylum for Insane Convicts at Auburn.

Commissioners.

sist of nine persons instead of five, as provided in said act; and from and after the passage of this act, William Dundas, Frank H. Atkinson, Samuel C. Taber, John Davis Baldwin, Stephen T. Arnot, of Elmira; Charles C. B. Walker, of Corning; Charles D. Champlain, of Urbana; Ezra S. Buckbee and Abraham H. Miller, of Owego, shall constitute such commissioners in place of those heretofore appointed under said act and they shall possess all the powers, and be subject to all the provisions contained in said act, in relation to said building commissioners.

Western House of Refuge.

For the Western House of Refuge, for deficiency in the appropriations of last year, and for over drafts for expenses in putting in apparatus for heating, for constructing main and lateral sewers, and for building boiler-house, the sum of twenty thousand dollars.

Widow and heirs of John G. Wasson.

The Comptroller is authorized to pay six hundred dollars, being six per cent. on ten thousand dollars due the widow and heirs at law of John G. Wasson, upon a certificate issued under chapter eight hundred and thirty of the Laws of eighteen hundred and sixty-eight, and he is authorized to pay such interest semi-annually until the principal can be paid.

Peter Allanson.

For Peter Allanson, for the construction and erection of cases and shelving in the State Geological Hall for the preservation and care of the Museum of Natural History, pursuant to contract awarded to him by authority of the Commissioners of the Land Office, the sum of two thousand seven hundred dollars, or so much thereof as may be necessary, payable whenever evidence shall be furnished to the Comptroller that the work has been performed.

T. W. Stevens.

For T. W. Stevens, for ink, dies and stamps furnished to the late postmaster of the Assembly, twenty-six dollars and fifty cents.

Thorn and Watson.

For Thorn and Watson, for the balance due them for iron ore sold and delivered by them to the Clinton State Prison authorities in eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, eighteen hundred and sixty-eight, and eighteen hundred and sixty-nine, including the interest, the sum of three thousand two hundred and twenty-seven



dollars and forty-five cents, or so much thereof as may be necessary.

For Henry S. Van Etten, as compensation for services as superintendent in the manufacturing department of Sing Sing Prison, the sum of two thousand dollars, which the Comptroller is hereby authorized and required to pay to him.

Henry S.  
Van Etten.

For Michael M. O'Sullivan, for balance due him for services as page to the Assembly during the session of eighteen hundred and seventy-one, beyond the time for which he was paid, the sum of one hundred and eighteen dollars.

Michael  
O'Sulli-  
van.

For additional compensation for the keeper of Washington's Head-Quarters, Newburgh, one hundred and fifty dollars.

Washing-  
ton's  
Head-  
Quarters.

For John Graff, for the amount awarded to him by the Adjutant-General, Inspector-General and Quartermaster-General of this State, under and in pursuance of chapter two hundred and seventy of the Laws of eighteen hundred and seventy-one, the sum of two thousand dollars, or so much thereof as may be necessary.

John  
Graff.

For Murray and Goodwin, for lithographing, as per resolution of Assembly passed February third, eighteen hundred and seventy-one, twenty-five sets diagrams for each member, officer and reporter of the house, and fifty on boards, one thousand seven hundred and fifty-eight dollars and seventy-five cents; and for lithographing, as per resolution of Assembly passed March thirty-first, eighteen hundred and seventy-one, twenty-five sets diagrams for each member, officer and reporter of the house, eight hundred copies in gilt and fifty on boards, one thousand eight hundred and eighteen dollars and seventy-five cents.

Murray  
and Good-  
win.

For Banks and Brothers, for law books supplied for the library of the Court of Appeals at Rochester, the sum of eleven hundred and sixteen dollars and fifty-one cents; for supplying books for the library of the Court of Appeals at Syracuse, seven hundred and twenty-four dollars and thirty-seven cents; for supplying books for the office of the Attorney-General, three hundred and fifty-one dollars and sixty-four cents; for supplying books for the office of the Secretary of State, four hundred and

Banks &  
Brothers.

Gift to  
law  
library of  
Chicago.

twelve dollars ; for books supplied to the Regents of the University, two hundred and seventy-seven dollars and fifty cents ; for books supplied to the late Clerk of the Assembly, seventy-six dollars ; and for sets of the statutes, reports and digests of the State, sent by the authority and action of the Governor, as a gift from this State to the law library of Chicago, one thousand six hundred dollars, or so much thereof as may be necessary, the last item to be paid upon the certificate of the Governor ; for furnishing for one year for the use of the members of the Commission of Appeals, a law library, one thousand dollars, and for Hand's Reports furnished to the office of the Secretary of State, one hundred and sixty-six dollars and fifty cents.

Law libra-  
ries.

For the law libraries of each of the judicial districts of the State, for the purchase of books, one thousand dollars.

Section two of chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one is hereby amended by striking out the following: "The contract for printing and publishing the reports of the Court of Appeals shall be extended for five years, provided the Secretary of State shall deem it for the interest of the State."

Charles  
Van Ben-  
thuyssen &  
Sons.

For Charles Van Benthuyssen and Sons for printing annual report of the Superintendent of Public Instruction, and for interest on their bill for two years, three thousand nine hundred and fifty-eight dollars and seventy-two cents; to be paid only on the certificate of the Superintendent of Public Instruction, both as to the amount and value of services rendered; for printing and binding one thousand copies of the Catalogue of the State Library for eighteen hundred and seventy-two, in accordance with chapter two hundred and fifty-five, section seven of the Laws of eighteen hundred and forty-four, four thousand dollars, or so much thereof as may be necessary. The bill for this last item shall be audited by the secretary of the Board of Regents, and paid for on his certificate, subject to the revision of the Comptroller.

Weed,  
Parsons &  
Co.

For Weed, Parsons and Company, for lithographing and printing five thousand six hundred copies title page,

and five thousand six hundred copies railroad maps of the State of New York for the State Engineer and Surveyor's report on railroads for eighteen hundred and seventy-one, to be refunded to the treasury by the several railroad corporations of this State in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the Laws of eighteen hundred and fifty-five, the sum of two thousand and fifty-six dollars; for printing, ruling and binding thirteen thousand five hundred copies school registers for the Department of Public Instruction, the sum of thirteen thousand five hundred dollars; for printing five hundred copies of annual report of the Superintendent of the Insurance Department for eighteen hundred and seventy-one, to be refunded to the treasury by the several insurance companies, associations, persons and agents, pursuant to chapter three hundred and sixty-six of the Laws of eighteen hundred and fifty-nine, the sum of fourteen hundred and ninety-one dollars and thirty cents, to be paid upon the certificate of the delivery of the book by the Superintendent of the Department; for printing for the use of the commissioners to revise the statutes of the State of New York, to be paid upon the certificate of said commissioners that the work has been performed, the sum of four thousand dollars; for printing miscellaneous books, blanks, etcetera, for the Adjutant-General's office, the sum of five thousand two hundred and ninety-two dollars and seventy cents; and for publishing the general laws of the State of New York, for the year eighteen hundred and seventy, in the Albany Law Journal, to be paid on the affidavit of the publisher, two thousand seven hundred dollars, and for engraving, printing and coloring lithographic plates for volumes twenty-three and twenty-four of the State Cabinet of Natural History, seven thousand dollars, or so much thereof as may be necessary, to be paid on the certificate of the State Curator of the State Cabinet of Natural History.

Publishing general laws in Albany Law Journal.

For the Argus Company, for printing and binding blank forms for reports of horse and steam railroads of the State, and for binding two volumes of original reports of railroads, the sum of one hundred and ninety-

Argus Company.

six dollars; which said two several sums of eight thousand six hundred and forty dollars\* and one hundred and ninety-six dollars are to be refunded to the treasury of the State by the several railroad corporations of this State in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the Laws of eighteen hundred and fifty-five; on which two sums there has been advanced to the Argus Company from the treasury of the State the sum of five thousand dollars, which is to be refunded to the treasury out of the said fund so to be drawn from the several railroads; for printing calendars, registers, decision books, and other printing and binding for the Commission of Appeals, from September fifteenth, eighteen hundred and seventy, to November twenty-ninth, eighteen hundred and seventy-one, inclusive, the sum of two thousand and seventy dollars and fifty cents, and for printing and binding four thousand copies "military code," five hundred in paper covers and three thousand five hundred in cloth, with gilt side title, two thousand five hundred and ninety-one dollars.

W. C. Little & Co.

For W. C. Little and Company, for law books supplied to the office of the Attorney-General, from January seventeen to March twenty-two, eighteen hundred and seventy-two, the sum of three hundred and ninety-five dollars, and for books furnished said office from May first, eighteen hundred and sixty-nine, to March ten, eighteen hundred and seventy, sixty-four dollars.

Lyman B. Smith.

For Lyman B. Smith, late assistant clerk of the Assembly, for preparing for the use of the Legislature a compilation of the majority and minority reports in contested elections to seats in the Assembly, under resolution of the Assembly passed April eighteen, eighteen hundred and seventy-one, the sum of two thousand dollars; and for compiling the majority and minority reports of any standing or special committee appointed by the Assembly to investigate any breach of privilege, under the same resolution, the sum of one thousand dollars.

C. W. Armstrong.

For Cornelius W. Armstrong, for arranging the files of the Assembly in such a manner that papers when

\* So in the original.

wanted can be readily found, and for separating and labeling bills passed, and for arranging alphabetically petitions and papers connected with bills, under a resolution of the Assembly passed April eighteen, eighteen hundred and seventy-one, the sum of five hundred dollars; for making an index to the papers on file in the Assembly, and also an index of bills introduced during the session of eighteen hundred and seventy-one, under a resolution of the Assembly passed April eighteen, eighteen hundred and seventy-one, the sum of four hundred dollars; for preparing for the use of the Legislature an index to all Senate bills printed from eighteenth hundred and sixty-two to and including eighteen hundred and seventy-one, under a resolution of the Assembly passed April eighteen, eighteen hundred and seventy-one, the sum of one thousand dollars.

For Walter A. Cook, for making index to documents under the direction of the clerk, pursuant to a resolution of the house, the sum of one thousand dollars.

Walter A.  
Cook.

To John Paterson, State Superintendent of Weights and Measures, in accordance with the provisions of section eighteen, chapter one hundred and thirty-four of the laws of eighteen hundred and fifty-one, two hundred dollars.

John Pat-  
erson.

For Edward Danforth, for additional compensation for services as Deputy Superintendent of Public Instruction, the sum of nine hundred and seventy-five dollars.

Edward  
Danforth.

The sum of three thousand dollars is hereby appropriated for the purpose of further developing the salt springs at Montezuma, to be expended by the present commissioners, appointed by chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy; and the sum of five thousand dollars is hereby appropriated for the purpose of developing the salt springs near the village of Weedsport, in the county of Cayuga, to be expended in boring and sinking wells, under the direction of Harvey C. Beach, Charles S. Gross and Leonard F. Hardy, who are hereby appointed commissioners for that purpose, and who shall account to the Comptroller therefor.

Salt  
springs at  
Monte-  
suma.

Salt  
springs  
near  
Weeds-  
port.

For the Syracuse Solar Salt Company, for the removal of seven hundred and fifty-five salt vats from

Syracuse  
Solar Salt  
Company.

Onondaga  
Solar Salt  
Company.

Lyman  
Stevens  
& Co.

C. B.  
Clark.

G. F. Com-  
stock and  
Harvey  
Stewart.

John  
White  
& Co.

the lands of the State in the third ward of the city of Syracuse, the sum of thirty-seven thousand seven hundred and fifty dollars; to the Onondaga Solar Salt Company, for the removal of eighteen hundred and fifty-six salt vats from the lands of the State in the third ward of the city of Syracuse, the sum of ninety-two thousand eight hundred dollars; to Lyman Stevens and Company, for the removal of five hundred and seventeen salt vats from the lands of the State in the third ward of the city of Syracuse, the sum of twenty-five thousand eight hundred and fifty dollars; to Chauncey B. Clark, the sum of five thousand two hundred and twenty dollars, and to George F. Comstock and Harvey Stewart, the sum of eight thousand four hundred and sixty dollars, for the purchase money of lands conveyed by them respectively to the State of New York to supply the deficiency created by the sale by the State of the lands from which salt vats in the third ward of the city of Syracuse had been removed, pursuant to a resolution of the Commissioners of the Land Office, passed December six, eighteen hundred and seventy-one, and chapter two hundred and seventy-nine of the Laws of eighteen hundred and seventy, and section seven of article seven of the Constitution of this State, together with interest at six per cent. per annum upon the several sums above mentioned from the time of the removal of the vats in the several instances aforesaid, or from the date of the delivery of the respective deeds aforesaid, which said several sums are to be re-imbursed to the general fund from the moneys already in the treasury, or from such sums of money as may hereafter be paid therein, arising from the sales of the lands from which said salt vats have been or are ordered to be removed. The balance remaining from the sale of such lands, after the payment of the several amounts hereinbefore mentioned, shall be and remain in the treasury as a part of the general fund.

To John White and Company, for the removal of eleven hundred salt vats from the lands of the State in the third ward of the city of Syracuse, to be paid whenever the Commissioners of the Land Office shall cause the same to be removed, and for the purchase of other land whereon to erect a like number of salt vats, pursu-

ant to chapter two hundred and seventy-nine of the Laws of eighteen hundred and seventy, the sum of sixty thousand dollars, or so much thereof as may be necessary.

For the health officer of the port of New York, the sum of four thousand dollars, or so much thereof as may be necessary, to pay the salaries of not exceeding four policemen, at quarantine, on the average, during the year eighteen hundred and seventy-two; such policemen may be appointed and dismissed by him at pleasure, and they shall perform patrol and police duty, under his direction, in connection with the quarantine establishment and upon the waters of the bay of New York; and they shall possess all the powers possessed by policemen in the cities of New York and Brooklyn; and any person arrested by either of said policemen for violating any law relating to quarantine, in said port, may be taken by him before any court of criminal jurisdiction, or any magistrate or police justice, within the county of Richmond, and, thereupon, the court, magistrate or police justice before whom such offender shall be brought, shall have jurisdiction to hear, try and punish the offender for the offense committed by him, in the same manner, and with the like effect, as if the same had been committed within the limits over which such court, magistrate or police justice has jurisdiction to punish for offenses under existing laws.

Health  
officer of  
port of  
New York.

For the Commissioners of Quarantine, for the payment of existing obligations incurred under the authority for fitting up the hospital ship "Illinois," the sum of twenty thousand three hundred and seventy-nine dollars and seven cents; for repairs on steamboats "Andrew Fletcher" and "Governor Fenton," eleven thousand five hundred and sixteen dollars and eighteen cents; and for indebtedness on account of cholera, seventeen thousand eight hundred and forty-nine dollars and sixty-two cents; for the rent and keeping in order of that portion of the quarantine establishment leased under and in pursuance of the provisions of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, the sum of fifteen thousand dollars; for the care and maintenance of the quarantine establishment, and defraying the necessary expenses of said board in the discharge of

Commis-  
sioners of  
Quaran-  
tine.

the duties imposed upon it by law, the sum of fifty-six thousand dollars; and said commissioners shall also therefrom pay the running expenses of a steamboat for boarding vessels, and transporting the sick and burying the dead.

Site for  
boarding  
station for  
vessels.

The Commissioners of Quarantine are hereby authorized and empowered to select a site to be approved by the health officer, for a boarding station for vessels coming from non-infected ports, including, if practicable, a residence for the health officer and his deputies, and to purchase or enter into a contract for the purchase of the same upon such terms and conditions as shall be approved by the health officer, and the Commissioners of the Land Office. But such site shall not be located on Long Island or Coney Island.

Board of  
commissioners  
constituted by  
act passed  
April 21,  
1866.

For the board of commissioners constituted by the act entitled "An act in relation to quarantine, and providing for the construction of the permanent quarantine establishment," passed April twenty-one, eighteen hundred and sixty-six, in addition to existing appropriations, the sum of one hundred and ninety thousand dollars, or such part of said sum as, in the opinion of the health officer, may be required for the following purposes, namely: For the purpose of defraying the necessary expenses of said board in the discharge of the duties imposed upon it by law, and for the erection and equipment of suitable buildings on the island at West Bank, for the reception and care of passengers who may have been exposed to disease, and who may be sent there by the health officer; such buildings shall be erected under a contract to be entered into therefor in the manner prescribed in the fourth section of the aforesaid act, passed April twenty-one, eighteen hundred and sixty-six; except that said board shall award the contract to the lowest responsible bidder; but it may in its discretion reject any bid which it may not deem for the interest of the State to accept; and it may also enter into separate contracts for separate portions of said work; and for the necessary care and preservation of the quarantine establishment structures on West Bank island; provided that the plans for such buildings and the bids for the con-

Buildings  
at West  
Bank.



struction thereof, shall be approved by the present health officer.

"And the lower of the West Bank Islands, built under the direction of Dr. Swinburne, shall hereafter be known and designated as Swinburne Hospital Island."

Swinburne Hospital Island.

"For the owners of the lands on Staten Island, conveyed to them by the State, by letters patent, dated January fourteen, eighteen hundred and sixty-nine, the sum of six thousand dollars, or so much thereof as the Comptroller shall ascertain and determine to have been paid by them for interest accruing prior to May first, eighteen hundred and seventy-one, on the mortgage executed by the Commissioners of Emigration on said lands, and for costs and expenses paid by said owners by reason of an action brought to foreclose said mortgage, and for interest on such moneys paid for such interest, costs and expenses of foreclosure from the time of the payment of the same by said owners."

Owners of land on Staten Island.

"The time for the corporation, formed under the authority of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, for the erection of warehouses for quarantine purposes to commence its operations, is hereby extended for the period of two years from and after the passage of this act, and said corporation shall not be deemed dissolved if it shall commence its operations within that period."

Time for erection of warehouses for quarantine extended.

So much of chapter four hundred and ninety-two of the Laws of eighteen hundred and seventy, as provides for the exemption from taxation of the premises leased for the residence of the health officer and his deputies, is hereby repealed, and the premises so leased shall be no longer exempt from taxation.

Premises occupied by health officer, etc., to be taxed.

For the proprietor of Congress Hall, for lighting, warming, and taking charge of Senate committee rooms, on roads and bridges, on canals and commerce, on municipal affairs, and on internal affairs, and committee rooms for ways and means committee of the Assembly, the sum of five hundred dollars.

Proprietor of Congress Hall.

For D. Willers, Junior, late Deputy Secretary of State, for deficiency in compensation as clerk of the Commissioners of the Land Office in the years eighteen hun-

D. Willers, Jr., late Deputy Secretary of State.

dred and sixty-eight, eighteen hundred and sixty-nine and eighteen hundred and seventy, the sum of seven hundred and fifty dollars.

H. H.  
Hawkins.

For H. H. Hawkins, attorney for the Cayuga Indians residing in Western New York, for compensation for paying annuity for eighteen hundred and seventy-one, the sum of twenty-five dollars.

H. N.  
Farnham.

For Horatio N. Farnham, for compensation as agent of the Cayuga Indians, for disbursing annuities four years, one hundred dollars.

James I.  
Hendryx.

For James I. Hendryx, librarian of the Assembly, for labor and clerk hire in preparing statistical list of the officers and members of the Assembly, and for the preparing the list of officers and members of the Assembly, with their boarding places, fifty dollars.

City cham-  
berlain of  
city of  
N. Y.

For the city chamberlain of the city and county of New York, or the official acting as county treasurer of said city and county, for his fees for receiving and paying into the State treasury the State tax levied and collected in said city and county, the sum of five thousand dollars in lieu of all other compensation therefor, and no greater sum shall hereafter be paid or allowed in any one year for such services; such sum to be paid by the Treasurer on the warrant of the Comptroller on or before the first day of May in each year, providing, the whole of the State tax levied and collected for the preceding year in such city and county shall have then been paid into the State treasury; the officer authorized and required to receive and pay over the State tax levied and collected in the city and county of New York shall, after this year (ending May first, eighteen hundred and seventy-two), on the first day in October in each year, and on the first day of each month thereafter, notify officially the Comptroller of the State how much of the State tax has been collected and paid into his hands during the preceding month; whereupon the Comptroller shall immediately draw his warrant therefor, payable to the Treasurer of the State, who shall proceed to collect and deposit the same in the treasury of the State, and the county treasurer, or other officer acting as such in the city and county of New York, shall

pay such warrant immediately upon its presentation and demand for payment.

For William J. Walsh, for compensation for services as messenger to the committees on trade and manufactures, on grievances and on militia from the organization of the session of eighteen hundred and seventy-two to the sixteenth day of February, eighteen hundred and seventy-two, the sum of one hundred and thirty-eight dollars.

William J.  
Walsh.

The commissioners appointed under and by virtue of the provisions of chapter seven hundred and fifteen of the Laws of eighteen hundred and seventy-one, to examine the subject of taxation of lands upon the Buffalo creek, Allegany and Cattaraugus Indian reservations and to report a plan for the equitable adjustment and settlement of the same, as between the State, the counties and individuals, are hereby authorized to report to the next Legislature; and Nelson K. Hopkins is hereby appointed as one of said commissioners, in place of Asher P. Nichols, absent from the State.

Commissioners ap-  
pointed by  
chapter  
715, Laws  
of 1871.

For Michael Cassidy, for compensation for additional services imposed on him by the Trustees of the Capitol, and by the State officers in taking charge of State property and buildings adjoining the Capitol, three hundred dollars, and hereafter the salary of the keeper of the Capitol shall be twelve hundred dollars, and no allowance shall be made to him for additional compensation.

Michael  
Cassidy.

For the women employed in cleaning the chambers and rooms adjoining the Senate and Assembly, for compensation to each of them for every day's service, to be certified by the superintendent of the Capitol, two dollars.

Women  
for clean-  
ing cham-  
bers  
adjoining  
Senate  
and  
Assembly.

For the firemen employed about the Capitol, State Hall and Geological Hall, and for the watchmen employed during the session of the Legislature for the year eighteen hundred and seventy-two for compensation to each of them for every day's service, to be certified by the respective superintendents, three dollars.

Firemen  
employed  
about  
Capitol,  
State Hall,  
etc.

Any city or county, in which a hospital duly incorporated is situated, may send to and support, in the same, such sick and disabled indigent persons as require

Any city  
or county  
may send  
to incor-  
porated

hospital  
sick indi-  
gent  
persons.

medical or surgical treatment, and when admitted the authorities of such city or county shall pay to the directors of such hospital such sum per week as may be agreed upon or found to be just during the period in which such person shall remain in such hospital.

**PAYABLE FROM THE UNITED STATES DEPOSIT FUND.**

City of  
Bingham-  
ton.

For the city of Binghamton, to be applied as a portion of the common school fund apportioned to said city for the current fiscal year, the sum of eight hundred dollars, payable from the United States Deposit Fund, which sum was withheld from said city owing to failure of apportionment.

**PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.**

Redemp-  
tion of  
State  
stock.

For the redemption of State stock issued to the New York and Erie Railroad Company, re-imbursable May first and July first, eighteen hundred and sixty-one, six thousand dollars.

**PAYABLE FROM THE CANAL FUND.**

Auditor of  
Canal  
Depart-  
ment.

For the Auditor of the Canal Department, for addition to his salary for the year eighteen hundred and seventy-two, the sum of fifteen hundred dollars.

Canal Ap-  
praisers.

For the Canal Appraisers, for additional compensation for the current fiscal year, to each of them, the sum of three thousand dollars; and from and after the first of October, eighteen hundred and seventy-two, the salary of said officers is hereby fixed at five thousand dollars each, in full of all compensation for their services; and for clerk hire in the office of the Canal Appraisers, in addition to the amount now allowed by law, the sum of four thousand dollars, or so much thereof as may be found necessary, to be paid by the Auditor of the Canal Department, on the certificate of the chairman of the board of Canal Appraisers.

Clerk hire.

Wm. Mc-  
Gourkey.  
Edmund  
Savage.

For William McGourkey, Deputy Auditor in the Canal Department, and Edmund Savage, clerk in that department, for extra labor performed by them in the years eighteen hundred and sixty-nine and eighteen hundred and seventy, in consequence of the change in the system of canal repairs, to each of them five hundred dollars.

For completing the dredging of Cayuga inlet and for rebuilding the pier at the head of Cayuga lake, in accordance with the intention of the law of eighteen hundred and seventy-one, the sum of ten thousand dollars, to be expended under the direction of the Canal Commissioner in charge of the division.

Dredging Cayuga inlet, and pier at head of Cayuga lake.

The Comptroller shall not pay out anything under the provisions of this act to or for the benefit of any asylum or reformatory, for the purpose of erecting new buildings or making other permanent improvements, unless the plans thereof and estimates therefor shall be first presented to and approved by him ; and in determining whether he will approve such plans he shall require that they shall provide for plain, substantial work that will involve the least possible expense consistent with proper provisions for the treatment, comfort, protection and safe-keeping of the inmates of such asylums and reformatories. And with a view of securing the most careful and economical expenditure of all moneys devoted to asylums or reformatories by this act, the Comptroller is authorized at all times to visit any of said asylums or reformatories, and any part of them he may desire ; and whenever he shall desire he shall be allowed to examine and take abstracts or copies of any or all papers, accounts, or books of account, of any such asylum or reformatory, in whosoever hands they may be, and he shall have power to subpoena to attend before him any witness that he may think proper to examine as to the affairs of any of said asylums and reformatories, and for such purpose is authorized to administer oaths to and examine such witnesses ; and if the Comptroller shall, from other official engagements, be unable to make such visitation or examination, he shall appoint, in writing, an examiner for that purpose, who shall be vested with all the power and authority of visitation or examination as to the asylum or asylums or reformatories that the said appointment shall specify, as are hereby conferred upon the Comptroller, and such examiner shall, in all cases, report to the Comptroller, in writing, what proceedings he has taken, what facts he has collected, the testimony he has taken, and his opinion thereon. Whenever it shall, by the examination herein

Comptroller not to pay any sum for erecting new buildings, etc., for reformatories or asylums until plans are submitted to and approved by him.

Comptroller to visit asylums, etc., and examine books of account, etc.

Comptroller may appoint examiner.

When to  
withhold  
unpaid  
balance  
of appro-  
priation.

Expenses  
of visita-  
tion, how  
paid.

provided for, or otherwise, be made to appear to the Comptroller that any of the moneys by this act appropriated for the benefit of any asylum or reformatory is not being properly and economically used, he shall be authorized to withhold from such asylum or reformatory any unpaid balance of the sum for such asylum or reformatory in this act specified. The expenses of visitation and examination herein authorized shall be paid by the Comptroller out of the moneys by this act appropriated to the institution so visited and examined; and the Comptroller shall report to the Legislature, in detail, all proceedings had, and information collected, as to said asylums and reformatories, under the provisions hereof, with such other information as he can give and such recommendations as he shall think proper to make, that will tend to improve and economize the management of such asylums and reformatories.

§ 3. This act shall take effect immediately.

## Chap. 734.

AN ACT to provide means to pay the canal and general fund deficiencies directed to be paid by the act chapter seven hundred of the Laws of eighteen hundred and seventy-two.

Passed May 15, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Tax for  
1872.

SECTION 1. There shall be imposed, levied and collected for the fiscal year commencing on the first day of October, eighteen hundred and seventy-two, a tax of three and one-half mills per dollar, upon the assessed value of the real and personal property in the State of New York, or so much thereof as may be necessary to provide for the payment of the canal and general fund deficiencies directed to be paid by the act chapter seven hundred of the Laws of eighteen hundred and seventy-two, which tax shall be levied, collected and paid into the State treasury in the same manner that all

other State taxes are required to be levied, collected and paid.

§ 2. For the purpose of raising the money required for said canal and general fund deficiencies, without delay, the Comptroller is authorized to issue bonds in anticipation of the said tax, to such an amount as may be necessary, and in such sums and forms as may be most convenient, at a rate of interest not exceeding seven per cent. per annum.

Comptroller to issue bonds for deficiencies.

§ 3. The sum of six million six hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any moneys in the treasury not otherwise appropriated, for the purpose of paying the aforesaid canal and general fund deficiencies, the principal and interest of the said bonds and the necessary expenses of carrying into effect this act, and also the act chapter seven hundred aforesaid of the Laws of eighteen hundred and seventy-two.

Appropriation for paying deficiencies.

§ 4. Any moneyed institution, incorporated under the laws of this State, may invest the moneys held by it in the said bonds, or in the stock of this State, to any extent which it may deem proper, without regard to the amount to which it may have been limited in making such investments by its charter.

Corporations may invest.

§ 5. If the aforesaid act chapter seven hundred of the Laws of eighteen hundred and seventy-two shall be approved by the people at the next general election, as therein provided, then the tax imposed by the first section of this act shall not be levied and collected; but the said bonds to be issued by the Comptroller, under this act, shall be paid from the proceeds of the stocks authorized by said chapter seven hundred, or shall, at the option of the State, be converted into such stocks, bearing the same rate of interest as the said bonds.

Proviso.

§ 6. If the debt proposed by chapter seven hundred of the Laws of eighteen hundred and seventy-two shall be approved by the people at the next general election as therein provided, the Comptroller, so soon as such approval shall be known to his satisfaction from the official returns received by him or by either of the State canvassers, shall issue a circular directing the tax herein provided for to be omitted, and shall direct a copy of

Tax to be omitted, when.

such circular to the treasurer, and another to the clerk of the board of supervisors of each county.

§ 7. This act shall take effect immediately.

## Chap. 735.

AN ACT to confirm proceedings under chapter nine hundred and five of the Laws of eighteen hundred and sixty-nine, and chapter seven hundred and fifty of the Laws of eighteen hundred and seventy, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county.

Passed May 15, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Acts of  
James  
Remsen  
and Ascan  
Backus  
legalized.

SECTION 1. All acts and proceedings of James Remsen and Ascan Backus, under chapter nine hundred and five of the Laws of eighteen hundred and sixty-nine, and chapter seven hundred and fifty of the Laws of eighteen hundred and seventy, from the succession of Armstead C. Henry, to the office of sheriff of Queens county, unto the appointment and qualification of Morris Fosdick as commissioner in his place, are hereby confirmed and legalized.

§ 2. This act shall take effect immediately.

## Chap. 736.

AN ACT to provide ways and means for the support of government.

Passed May 15, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

State tax  
in 1872.

SECTION 1. There shall be imposed, for the fiscal year beginning on the first day of October, eighteen hundred and seventy-two, on each dollar of real and personal property of this State subject to taxation, taxes for State purposes hereinafter mentioned, which taxes



shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this State, to be held by the Treasurer for application to the purposes specified, that is to say, for the general fund and for the payment of those claims and demands which shall constitute a lawful charge upon that fund during the fiscal year, commencing October first, eighteen hundred and seventy-two, one mill and one-fourth of one mill; for the free school fund, for the maintenance of common schools in this State, one mill and one-fourth of one mill, pursuant to chapter four hundred and six of the Laws of eighteen hundred and sixty-seven; for the payment of the interest and redemption of the principal of the State debt of two and one-half million dollars, as provided in chapter two hundred and seventy-one, of the Laws of eighteen hundred and fifty-nine, one-eighth of one mill; for the payment of the interest, and to provide for the redemption of the principal of the State bounty debt, pursuant to chapter three hundred and twenty-five of the Laws of eighteen hundred and sixty-five, two mills; for the purposes of the new Capitol, one-half of one mill; and for the benefit of the academies and academical department of the union schools, pursuant to chapter five hundred and forty-one of the Laws of eighteen hundred and seventy-two, one-sixteenth of one mill.

To be  
paid in  
State  
treasury.

One and  
one-fourth  
mill tax  
for general  
fund.

One and  
one-fourth  
mill tax  
for com-  
mon  
schools.

One-  
eighth of  
one mill  
tax for  
principal  
and inter-  
est of  
State debt.

Two mill  
tax for  
State  
bounty  
debt.

One-half  
of one  
mill tax  
for new  
capitol.

One six-  
teenth of  
one mill  
tax for  
acade-  
mies.

## Chap. 737.

AN ACT to alter the Commissioner's map of the city of Brooklyn.

Passed May 15, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that part of Douglass street as laid down on the commissioner's map of the city of Brooklyn, between the Gowanus canal and Nevins street, is hereby discontinued and closed.

Part of  
Douglass  
street  
closed.

§ 2. This act shall take effect immediately.

## Chap. 738.

AN ACT to amend certain provisions of law relating to wharves, piers and bulkheads in the city of New York.

Passed May 16, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Depart-  
ment of  
docks,  
with  
consent of  
commis-  
sioners of  
sinking  
fund, may  
change  
width or  
location  
of piers.

SECTION 1. The third subdivision of section ninety-nine of chapter one hundred and thirty-seven of the Laws of eighteen hundred and seventy, entitled "An act to organize the local government of the city of New York," as said section was amended by chapter five hundred and seventy-four of the Laws of eighteen hundred and seventy-one, being an act to amend said first named act, is hereby amended by adding thereto the following proviso, viz. : Provided, that the said board of the department of docks, with the consent and approval of the commissioners of the sinking fund, may from time to time change the width or location of the piers laid down on said plan.

May make  
leases  
with  
covenants  
to keep in  
repair,  
etc.

§ 2. The sixth subdivision of said section ninety-nine, as said section was so amended, is hereby amended by adding thereto the following proviso, viz. : Provided, that said board may, in their discretion, make leases containing covenants that the lessees shall keep in good order and repair, at their own expense, the planking, string-pieces and mooring-piles of said wharves, piers and bulkheads, reserving to said department of docks the rebuilding, and renewing of the under-structure thereof.

§ 3. This act shall take effect immediately.

## Chap. 739.

AN ACT to make provision for the improvement of the several parks, squares and places in the city of New York.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The comptroller of the city of New York, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, is hereby authorized and directed to create and issue hereafter, and at such times and in such amounts and in such manner as shall be deemed by him expedient and necessary, for the improvement and regulation of the several parks, squares and public places which by law now are or may hereafter be under the control and management of the department of public parks, and also for the construction and equipment of a meteorological and astronomical observatory on Central park in said city, and to carry out the objects of this act a public fund or stock to be denominated The City Parks' Improvement Fund, to an amount not exceeding the sum of seven hundred and fifty thousand dollars. Such stock or fund to be in addition to any and all amounts heretofore authorized by law to be created and issued for the aforesaid purposes, and such stock or fund shall be redeemable within thirty years from the issue thereof; and all the provisions of chapter five hundred and ninety-five, of the Laws of eighteen hundred and sixty-nine, and of chapter two hundred and ninety of the Laws of eighteen hundred and seventy-one, shall remain in full force and virtue and be applicable to the fund or stock by this act authorized to be created or issued, in like manner as if the fund or stock hereby authorized to be created and issued, had been authorized to be created and issued by said chapters five hundred and ninety-five and two hundred and ninety.

Comptroller to issue stock to be known as "The City Parks' Improvement Fund."

Amount limited.

When redeemable.

§ 2. This act shall take effect immediately.

## Chap. 740.

AN ACT in relation to completing certain work in Black Rock Harbor, and at Lower Black Rock, Buffalo.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Canal board to examine into expenditures for work in Black Rock Harbor, and may allow additional sum therefor.

Amount to be allowed.

SECTION 1. The Canal Board are hereby directed to make an examination into the expenditure made for deepening and improving the narrow canal in Black Rock Harbor, Buffalo, and for constructing crib work and vertical wall, and cutting off bend or projections in tow path on guard lock section at Lower Black Rock and cleaning out mouth of mill race leading from harbor at Lower Black Rock to mills of Thornton and Company and others, and if they shall find on such examination and taking of proofs said expenditures exceed the prices paid and allowed for said work, they shall allow therefor an amount which shall not exceed the difference between the prices paid for said work and the actual cost thereof; but they shall allow an amount to cover the actual cost of said work; when such allowance is made the Canal Commissioner in charge shall issue his draft for the amount so allowed and the Auditor shall pay out of any moneys appropriated or hereafter to be appropriated for said work.

§ 2. This act shall take effect immediately.

## Chap. 741.

AN ACT to confirm an assessment for the expense of paving Broad street in the city of Utica.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Assessment for paving a

SECTION 1. The assessment for the expense of paving a portion of Broad street, in the city of Utica, made

and confirmed by the common council of said city, September twenty-second, eighteen hundred and seventy-one, is hereby confirmed and declared to be of the same force and effect as if no informality or error had occurred in the making of said assessment, and the amount assessed shall be a lien on the property assessed.

portion of  
Broad  
street con-  
firmed.

§ 2. This act shall take effect immediately.

## Chap. 742.

AN ACT for the relief of Cornelia G. Fuller, and Annie E. Fitzhugh, devisees and legatees, under the last will and testament of Charles H. Carroll, deceased.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Canal Appraisers are hereby authorized and required to examine the claim of Cornelia G. Fuller and Annie E. Fitzhugh, devisees and legatees under and by the last will and testament of Charles H. Carroll, deceased, and of either of them, for damages alleged to have been sustained by them, or by either of them, in the month of March, eighteen hundred and sixty-five, by the flow of water through the Genesee Valley canal and the Genesee feeder into the Erie canal and over and through the north bank of the Erie canal, through the streets of the city of Rochester and over, through or upon real estate in said city of which Charles H. Carroll died seized and possessed, which said real estate, it is alleged, was greatly damaged by said water, and for that purpose, said Appraisers may view the grounds and take such evidence and in such manner as to said Appraisers may seem necessary and proper; and if the facts proven, or appearing to the satisfaction of said Appraisers shall, in their opinion, make out a case of negligence on the part of the State, which would create a legal liability had the same been established in evidence against a corporation or individual in a court of justice, they shall award damages therefor to said

Canal  
appraisers  
to ex-  
amine  
claim.

When to  
award  
damages.

claimants, or to either of them, to be estimated on the legal principles governing the measure of damages against individuals or corporations for damages resulting from similar negligence. It is hereby expressly declared that nothing herein contained is to be taken or construed as expressive of an opinion on the part of the Legislature that there exists any just or legal claim against the State.

§ 2. Either party may appeal to the Canal Board from the decision and award of said Appraisers.

§ 3. This act shall take effect immediately

## Chap. 743.

AN ACT to repeal chapter eight hundred and eighty-nine of the Laws of eighteen hundred and seventy-one, entitled "An act to amend chapter one hundred and sixty of the Laws of eighteen hundred and sixty-six, entitled, 'An act to facilitate the construction of the Schoharie Valley Railroad,'" also chapter six hundred and sixteen of the Laws of eighteen hundred and sixty-seven, entitled "An act to reduce the number of directors of the Schoharie Valley Railroad Company; to re-enact the portions of the chapter so amended, and other acts which were repealed by said chapter eight hundred and eighty-nine of the Laws of eighteen hundred and seventy-one, and for the election of directors of said railroad company;" also relative to the stock of said railroad company, held or owned by the town of Schoharie.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Acts re-  
pealed.

SECTION 1. Chapter eight hundred and eighty-nine of the Laws of eighteen hundred and seventy-one entitled "An act to amend chapter one hundred and sixty of the Laws of eighteen hundred and sixty-six, entitled

'An act to facilitate the construction of the Schoharie Valley Railroad;'" also chapter six hundred and sixteen of the Laws of eighteen hundred and sixty-seven, entitled "An act to reduce the number of directors of the Schoharie Valley Railroad Company," is hereby repealed.

§ 2. The provisions of the acts repealed, or in any manner changed or affected by said chapter eight hundred and eighty-nine of the Laws of eighteen hundred and seventy-one, so far as they are not inconsistent with the provisions hereof, are hereby re-enacted, and shall, after the passage hereof, remain in full force.

§ 3. After the passage of this act there shall be thirteen directors of the Schoharie Valley Railroad Company. The seven persons elected directors of the Schoharie Valley Railroad Company, at the last annual town meeting in the town of Schoharie, shall be seven of the said thirteen directors of said railroad company. There shall be an election of six additional directors of said company, in the manner provided by law and the by-laws of said company, at the hotel called "Parrott House," in the village of Schoharie, first Tuesday in June, eighteen hundred and seventy-two, at ten o'clock in the forenoon, or at such other time as shall be then and there fixed by the stockholders' meeting. The directors so chosen, with the seven chosen at said last annual town meeting, shall hold their offices for one year thereafter and until others are chosen in their places. Each of the seven persons elected as directors at the said last annual town meeting, shall have power, and it shall be his duty, to cast, at the next election for directors herein provided for, either in person or by proxy, one-seventh of the whole number of shares of stock that said town may then hold in said railroad, for the choice of directors of said company.

§ 4. After the annual town meeting of the town of Schoharie for the year eighteen hundred and seventy-three, there shall be two railroad commissioners for the town of Schoharie, for the management of its affairs, so far as the stock and interest of said town in the Schoharie Valley Railroad Company shall be concerned, who shall be elected at the annual town meeting in said

Number of  
directors.

Present  
directors.

Election  
of new  
directors,  
where and  
when  
held.

Term of  
office.

Each  
director  
elected at  
town  
meeting to  
vote one-  
seventh of  
stock at  
next  
election.

Railroad  
commis-  
sioners to  
be elected  
at next  
annual  
town  
meeting.

Said commissioners to vote stock of town.

town, in the year eighteen hundred and seventy-three, and every three years thereafter, each of whom shall be taken from different political parties, and no elector shall be entitled to vote for more than one thereof. Said commissioners shall be freeholders and residents of said town, and shall hold their office for three years and until others are appointed in their places and duly qualified as such. At each election for directors after that provided for in the third section hereof, the said commissioners shall and may each vote in person or by proxy on one-half of the stock of said Schoharie Valley Railroad Company owned by the town of Schoharie, and each of said commissioners shall be eligible for, and may be elected, a director of said company. The two commissioners so to be elected after such election shall be the only commissioners of said town for the Schoharie Valley Railroad, who shall qualify in the manner and be subject to the liabilities provided for in the statutes relating to the commissioners of said town.

Commissioners may sell stock owned by town upon written request of a majority of tax-payers.

Proceeds of sale, how applied.

§ 5. The present railroad commissioner of said town of Schoharie, or the commissioners of said town to be hereafter elected as herein provided, may sell the stock of said Schoharie Valley Railroad Company owned by said town for cash only, upon the written request of a majority of the taxable property and also of the tax payers of said town at a public sale, of which notice shall be published weekly for at least three successive weeks in the newspapers published in the town of Schoharie, and posted in three of the public places thereof. In case of a sale of said stock, the proceeds thereof shall be applied by said commissioner or commissioners to the purchase or redemption of the bonds of said town issued to aid in the construction of the railroad of said Schoharie Valley Railroad Company.

§ 6. All acts and parts of acts inconsistent herewith are repealed.

§ 7. This act shall take effect immediately.



## Chap. 744.

AN ACT for the relief of Rosa Abba Boughton  
and Addie E. Boughton.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in  
Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Chautauqua are hereby authorized, at their next annual meeting, to levy and cause to be collected from the taxable property in said county the same as other taxes are levied and collected, the sum of two thousand dollars or whatever sum may seem to them just and equitable for the purpose of refunding to Rosa Abba Boughton and Addie E. Boughton, the only heirs of Seth M. Boughton, moneys which the said Seth M. Boughton paid into the county treasury of the county of Chautauqua on a forfeited recognizance.

Board of supervisors to levy tax to refund money paid on forfeited recognizance.

§ 2. The said board of supervisors are hereby authorized to cause the said moneys, when so levied and collected, to be paid over to the superintendents of the poor of Chautauqua county, for the use and benefit of said Rosa Abba and Addie E. Boughton.

Money to be paid to superintendents of poor for benefit of parties named.

§ 3. It shall be the duty of superintendents of the poor aforesaid, to pay Cyrus Eggleston, the guardian of said Rosa Abba and Addie E. Boughton, the amount they may deem just for the care of said Rosa Abba and Addie E. Boughton, up to the passage of this act, not exceeding eight hundred dollars, the balance of the amount allowed by aforesaid board of supervisors. Aforesaid superintendents of the poor shall cause to be put out at interest and shall pay the interest annually to the guardian of the said Rosa Abba and Addie E. Boughton, until they respectively shall arrive at the age of twenty-one years, and shall then pay over a moiety, of the principal to Rosa Abba Boughton and Addie E. Boughton, respectively, as they arrive at the age of twenty-one years.

Duty of superintendents as to disposition of money.

§ 4. The said superintendents of the poor, and their successors in office, shall give a bond to the treasurer

Superintendents to give

bond to  
county  
treasurer.

of the county of Chautauqua, to be approved by the board of supervisors of said county, for the faithful discharge of their duties.

§ 5. This act shall take effect immediately.

## Chap. 745.

AN ACT to amend "An act authorizing the confinement of convicts from Dutchess county, in the Albany penitentiary," etcetera, passed April fifteenth, one thousand eight hundred and fifty-four.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The second section of the act entitled "An act to authorize the confinement of persons convicted of certain offenses in the county of Dutchess, in the penitentiary of the county of Albany, and to prescribe the punishment of certain offenses," passed April fifteenth, one thousand eight hundred and fifty-four, is hereby amended so as to read as follows:

In what  
cases  
persons  
convicted  
of crimes,  
etc., pun-  
ishable  
with im-  
prison-  
ment in  
county  
jail, to be  
conveyed  
to Albany  
county  
peniten-  
tiary.

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced in the county of Dutchess for any crime or misdemeanor punishable in the county jail, to cause such person or persons to be conveyed forthwith by the officer in whose charge the prisoner shall be, to the county jail of Dutchess county, and the sheriff of said county shall thereupon forthwith convey all such persons as shall be received by him, under sentence of not less than two months, to the said penitentiary, under the provisions of the first section of this act.

§ 2. The third section of said act is hereby amended so as to read as follows:

Sentence  
in cases of  
vagrancy.

§ 3. All persons convicted as vagrants in said county of Dutchess may be sentenced by the convicting magistrate to imprisonment in the county jail of said county for any term not exceeding six months, and all such

persons sentenced for a period not less than two months shall be forthwith conveyed by the sheriff of said county to the penitentiary, under the provisions of the first section of this act. And it shall be the duty of the sheriff of said county to report to the board of supervisors of said county, in each year, at their annual meeting, the name, age, offense of which convicted; terms of sentence, date of receipt by such sheriff, and date of the delivery of every such person at the penitentiary.

Sheriff to report to board of supervisors.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

## Chap. 746.

AN ACT relating to the examination of candidates for the degree of doctor of medicine.

Passed May 16, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Regents of the University of the State of New York shall appoint one or more boards of examiners in medicine, each board to consist of not less than seven members, who shall have been licensed to practice physic and surgery in this State.

Regents of the university to appoint examiners.

§ 2. Such examiners shall faithfully examine all candidates referred to them for that purpose by the Chancellor of said University, and furnish him a detailed report in writing of all the questions and answers of each examination, together with a separate written opinion of each examiner as to the acquirements and merits of the candidates in each case.

Duty of examiners.

§ 3. Such examinations shall be in anatomy, physiology, materia medica, pathology, histology, clinical medicine, chemistry, surgery, midwifery and in therapeutics, according to each of the systems of practice represented by the several medical societies of this State.

Examinations.

§ 4. The said reports of examinations, and the annexed opinions of the examiners, shall forever be a part of the

Report of examiners, etc.,

to be  
public  
records of  
univer-  
sity.

public records of the said University, and the orders of the Chancellor addressed to the examiners, together with the action of the Regents, in each case shall accompany the same.

Who may  
be ex-  
amined.

§ 5. An person over twenty-one years of age, of good moral character and paying not less than thirty-five dollars into the treasury of the University, and on applying to the Chancellor for the aforesaid examination shall receive an order to that effect, addressed to one of the boards of examiners, provided he shall adduce proofs satisfactory to the Chancellor, that he or she has a competent knowledge of all the branches of learning taught in the common schools of this State, and of the Latin language, and that he has diligently studied medicine not less than three years, under the direction of one or more physicians duly qualified to practice medicine, or has himself been licensed, on examination, by some medical society or college legally empowered to issue licenses or degrees in medicine.

When to  
issue  
diplomas.

§ 6. The Regents of the University, on receiving the aforesaid reports of the examiners, and on finding that not less than five members of a board have voted in favor of a candidate, shall issue to him or her a diploma conferring the degree of doctor of medicine of the University of the State of New York, which degree shall be a license to practice physic and surgery.

Fees.

§ 7. The candidate, on receiving said diploma, shall pay to the University the further sum of not less than ten dollars.

How ap-  
propri-  
ated.

§ 8. The moneys paid to the University, as aforesaid, shall be appropriated by the Regents for the expenses of executing the provisions of this act.

Rules, etc.

§ 9. The Regents may establish such rules and regulations, from time to time, as they may deem necessary to insure the faithful execution of the provisions of this act.

§ 10. This act shall take effect immediately.

## Chap. 747.

AN ACT for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines, and articles for producing abortion, and to repeal chapter four hundred and thirty of the Laws of eighteen hundred and sixty-eight.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. If any person shall sell, or offer to sell, or shall give away, or offer to give away, or have in his or her possession, with or without intent to sell or give away, any obscene and indecent book, pamphlet, paper, drawing, lithograph, engraving, daguerreotype, photograph, stereoscopic picture, model, cast, instrument or article of indecent or immoral use, or medicine for procuring abortion, or shall advertise the same for sale, or write or cause to be written, or print or cause to be printed any circular, handbill, card, book, pamphlet, advertisement or notice of any kind, or shall give information orally, stating when, how or of whom, or by what means any of the said indecent and obscene articles and things hereinbefore mentioned can be purchased or otherwise obtained, or shall manufacture, draw and expose, or draw with intent to sell, or to have sold, or print any such articles, every such person shall, on conviction thereof, be imprisoned in the county jail or State prison not more than six months, or be fined not less than one hundred nor more than one thousand dollars for each offense. One-half of said fine to be paid to the informer upon whose evidence the person so offending shall be convicted, and one-half to the school fund of the county in which the said conviction is obtained, except that in the city and county of New York, if the conviction is in said city and county, one-half shall go

Penalty for selling; offering to sell, giving away, offering to give away, etc., any obscene book, picture, print, model, cast, etc., or having the same in possession with intent to sell or give away, etc.

One-half fine to be paid to informer.

Balance, how disposed of.

to the treasurer of the Homœopathic Dispensary, in said city and county, and in the county of Kings one-half shall go to the Brooklyn Homœopathic Hospital, when the conviction is in the county of Kings. And in every other county of the State, one-half of the said fine shall go to the treasurer of the orphan asylum of said county, if there be such an institution in the county.

Penalty for depositing or causing to be deposited, in any post-office or place in charge of any express company, or any common carrier, any of said articles or any advertisement, etc., giving information where any such obscene book, etc., can be purchased.

§ 2. If any person shall deposit or cause to be deposited in any post-office within this State, or place in charge of any express company, or person connected therewith, or of any common carrier or other person, any of the obscene and indecent articles and things mentioned in the first section of this act, or any circular, handbill, card, advertisement, book, pamphlet, or notice of any kind, or shall give oral information stating where, how or of whom such indecent and obscene articles or things can be purchased or otherwise obtained in any manner, with the intent of having the same conveyed by mail or express, or in any other manner; or if any person shall knowingly or willfully receive the same with intent to carry or convey, or shall carry or convey the same by express, or in any other manner (except in the United States mail); every person so offending shall, on conviction thereof, be subject for each offense to the same fines and penalties as are prescribed in the said first section of this act for the offenses therein set forth, and said fine shall be divided and paid in the same manner as therein provided.

Magistrates to issue warrants to search for, seize and take possession of such obscene books, etc.

§ 3. All magistrates are authorized, on complaint founded on information and belief, supported by oath or affirmation, to issue a warrant, directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal or police officer within said county (provided, nevertheless, that nothing in this act contained, shall be construed to affect, alter, diminish or extend, or in anywise interfere with the powers and authority of the board of metropolitan police), directing him, them, or any of them, to search for, seize and take possession of such obscene and indecent books, papers, articles and things; and said magistrates shall transmit, inclosed and under seal, specimens thereof to the district attorney of his county, and

Specimens of same to be sent to district

shall deposit within the county jail of his county, or attorney. such other secure place as to him shall seem meet, inclosed and under seal, the remainder thereof, and shall, upon the conviction of the person or persons offending under any of the provisions of this act, forthwith destroy, or cause to be destroyed, the remainder thereof so seized as aforesaid, and shall cause to be entered upon the records of his court the fact of such destruction.

§ 4. It shall be the duty of the presiding judge of every court of sessions or oyer and terminer within this State, especially to charge the grand jury at each term of said court, to take notice of all offenses committed in violation of any of the provisions of this act; and it shall be the duty of all superintendents of the poor and commissioners of charities and corrections to prosecute and recover the penalties in this act. Judge to charge grand jury at each term of court to take notice of offense under this act.

§ 5. Chapter four hundred and thirty of the Laws of eighteen hundred and sixty-eight is hereby repealed.

§ 6. This act shall take effect immediately.

## Chap. 748.

### AN ACT for the relief of J. Rowe Fanning.

Passed May 16, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Supreme Court of this State, at any general term of the fourth department thereof, is hereby authorized to waive alienage of J. Rowe Fanning, heretofore examined and recommended for admission to practice law thereat, and to admit said J. Rowe Fanning to practice in all the courts in this State on his furnishing satisfactory proof of his residence within this State, and of having declared his intention to become a citizen of the United States. J. Rowe Fanning to be admitted to practice as an attorney and counsellor of the Supreme Court.

§ 2. This act shall take effect immediately.

## Chap. 749.

AN ACT to amend an act entitled "An act to authorize the employment of a stenographer for the county court and court of sessions in the county of Monroe," being chapter forty-six of the Laws of eighteen hundred and sixty-four.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Pay of  
stenog-  
rapher  
increased.

SECTION 1. Section one of the act entitled "An act to authorize the employment of a stenographer for the county court and court of sessions in the county of Monroe," passed March nineteenth, eighteen hundred and sixty-four, is hereby amended by striking out the words "five dollars," and inserting in lieu thereof the words "ten dollars."

§ 2. Chapter four hundred and thirty-seven of the Laws of eighteen hundred and sixty-six, passed April seventh, eighteen hundred and sixty-six, is hereby made applicable to this act as hereby amended.

§ 3. This act shall take effect immediately.

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## Chap. 750.

AN ACT to amend chapter five hundred and eleven of the Laws of eighteen hundred and seventy, relative to a railroad from Syracuse to Onondaga Hill.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Company  
author-  
ized to  
construct  
and oper-  
ate branch  
track.  
Route.

SECTION 1. The company formed or to be formed in pursuance of the above mentioned act are hereby authorized to lay, construct and operate a branch track, with the necessary turnouts, commencing at the intersection of Castle street and Cortland avenue, and from thence running through Cortland avenue northerly to



Salina street, to intersect with the track of the railroad running on Salina street, operated by the company formed under the provisions of chapter three hundred and forty of the Laws of eighteen hundred and sixty-three.

§ 2. The time for the completion of said road, or any part thereof, not less than two miles, shall be extended until the first day of October, eighteen hundred and seventy-four.

Time for completion of road extended.

§ 3. This act shall take effect immediately.

## Chap. 751.

AN ACT to legalize the official acts and proceedings of Samuel F. Powell, a justice of the peace in the town of Coeymans, in the county of Albany.

Passed May 16, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The official acts and proceedings of Samuel F. Powell, a justice of the peace of the town of Coeymans, in the county of Albany, done and performed after January first, eighteen hundred and seventy-two, and before April twenty-first, eighteen hundred and seventy-two, are hereby declared to be legal and valid the same as if he had taken the constitutional oath of office before the date first above named; but nothing herein contained shall affect any suit or proceeding now pending.

Official acts of Samuel F. Powell legalized.

§ 2. This act shall take effect immediately.

## Chap. 752.

AN ACT to amend an act entitled "An act to authorize the construction of a railroad from the village of Olean to the Erie railway depot at Olean," passed May seventh, eighteen hundred and sixty-eight.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter six hundred and seventy-nine of the Laws of eighteen hundred and sixty-eight, entitled "An act to authorize the construction of a railway from the village of Olean to the Erie railway depot at Olean," passed May seventh, eighteen hundred and sixty-eight, is hereby amended so as to read as follows: Claudius V. B. Barse, Lambert Whitney, Reuben O. Smith, Miles G. Bull, Abram Merritt, George S. McIntosh, Samuel R. Homer, David H. Bolles, Charles S. Cary, Samuel Oosterhautd, Homer C. Blakeslee and Ansel Adams, and those who may be now or hereafter associated with them, shall, after being incorporated and organized as a railroad company, as hereinafter provided, have authority to lay and maintain one or more railroad tracks, with the necessary branches and turn-outs, from the Erie railway depot in the town of Olean, in the county of Cattaraugus, to such point on Union street, in the village of Olean, in said county, as such company may designate, and upon such route, either wholly or partly, in and along the highway leading from Union street in said village to said depot, and in and along Union street in said village, or in whole or in part through and across inclosed or other lands lying between said village and said depot, as such company may designate.

§ 2. Section five of said act is hereby amended so as to read as follows: Such road shall be completed within six years after the passage of this act, and the powers

Corporators.

May build railroad upon route designated.

Time within which

and franchises hereby conferred are limited to the same to  
period of fifty years. be com-  
pleted.

§ 3. This act shall take effect immediately.

## Chap. 753.

### AN ACT to incorporate the French Emigration Society of New York.

Passed May 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Petrus Arnaud, Ernest Caylus, Francis Cottenet, Frederic R. Coudert, Victor Delaunay, P. A. Gerdy, B. P. E. St. Gaudens, and such other persons as may be associated with them at the time of the passage of this act, as the French Emigration Society of New York, are hereby constituted a body corporate by the name of The French Emigration Society of New York.

Corpo-  
rators.

Corporate  
name.

§ 2. The objects of the said society are to afford advice, information, aid and protection to emigrants from France or other countries where the French language is spoken, and generally to promote the welfare of such emigrants.

Objects.

§ 3. The said society shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission of its members, the election of its officers and their duties, the suspending or expelling of any of its members, and for the safe keeping of its property and funds, and from time to time to repeal such constitution, by-laws or regulations.

By-laws,  
etc.

§ 4. The said corporation may take, by purchase or gift, and hold, transfer or convey real and personal property to an amount not exceeding fifty thousand dollars, and may further take, hold and have all such books or furniture as may be necessary for obtaining the object and carrying into effect the purposes of such corporation.

May take  
and hold  
real and  
personal  
property.

§ 5. The control and disposal of the funds, property and estate and the direction and management of the concerns of the said corporation shall be vested in a committee or board to be elected only from among the members of the society, and consisting of a president, two vice-presidents, one treasurer, one secretary and

Control of  
affairs and  
property  
to vest in  
commit-  
tee to con-  
sist of  
officers  
named.

Officers  
not to  
receive  
compen-  
sation.  
Salaried  
officers to  
transact  
business.

twelve directors. None of such officers shall be entitled to any salary or other compensation. The committee thus constituted shall create such salaried offices as may be necessary for the transaction of the business of the society, and shall fix the compensation to be paid, and shall appoint the persons to fill them. Such appointments shall be made by the president, with the assent of the board; but the president shall have power of his own authority to remove the officers so appointed.

Terms of  
office.

§ 6. The president, vice-president, treasurer and secretary shall hold their respective offices for one year and the directors for three years. As soon as the president, vice-presidents, treasurer, secretary and directors shall meet after the first election after the passing of this act, they shall cause the directors, exclusive of the officers just named, to be divided by lot into three classes of four in each, and the seats of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, of the third class at the end of the third year, in order that four members of the executive committee shall be elected every year.

Directors  
to be  
classified.

Qualifi-  
cation of  
members.

§ 7. The aforesaid officers shall be elected by the members of the society at a general meeting thereof. Any person of French origin may become a member of such society upon declaring his approval of and submission to the constitution and by-laws and upon complying with the conditions imposed, and particularly upon paying the initiation fee, which shall not be less than one dollar. Any person who, in addition to the conditions above imposed, shall, besides the initiation fee, pay the sum of ten dollars, shall become a life member and be exempted from the payment of any further contribution or yearly dues. One-half of the amount thus paid shall go to constitute a permanent fund. Any person not of French origin shall be an honorary member upon paying the initiation fee and sums provided by the by-laws of the society.

Life  
members.

Honorary  
members.

Qualifi-  
cation of  
voters.

§ 8. No person shall be entitled to vote at the elections, nor be entitled to a participation in the concerns of the said society, who shall not have been a member thereof for at least six months preceding the election, or who shall not have fully paid and discharged all dues from

him to the society according to such provisions as may be established in the constitution and by-laws thereof. And it is further provided, that all members capable of voting at such elections shall vote in person, and not otherwise.

§ 9. The several officers of the said association, should there be any such officers at the time of the passing of this act, shall continue to hold their respective offices as officers of the corporation hereby created until others are elected at an election to be held within six months after the passage of this act; and all personal property or funds or securities now held by them or any of them, or in the hands of any other person or persons, in trust for the said association, or for the use and benefit of the same, including choses in action, which, by the terms thereof, are payable to either or any of the said officers, or to any other person or persons in trust for the said association, shall, by virtue of this act, vest in and become the property of, and may be sued for and recovered upon, in the name of the corporation; the said corporation shall assume and be liable for all contracts, agreements and responsibilities which have been entered into or incurred previous to the passage of this act, by the officers of the said association or any of them lawfully acting in behalf of the said association:

Persons holding office at time of the passage of this act, to continue to hold office until others are elected.

Property to vest in corporation hereby created.

§ 10. The election for officers and members of the executive committee shall be held annually, on the first Monday of October, or on such other day as the corporation in and by its constitution may appoint, notice of which shall, in all cases, be published in one of the newspapers in the city of New York at least ten days previous to such election.

Annual election.

§ 11. The said corporation shall possess the powers and be subject to the restrictions and liabilities of the eighteenth chapter of the first part of the Revised Statutes, except so far as the same are or may be inconsistent with or repugnant to the provisions of this act.

General powers.

§ 12. The Legislature may at any time alter or repeal this act.

§ 13. This act shall take effect immediately.

## Chap. 754.

AN ACT for the relief of the American Female Guardian Society and Home for the Friendless, of the city of New York, in aid of its industrial schools and other departments of charity.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of supervisors to levy \$25,000 annually and pay same to American Female Guardian Society of the city of N. Y.

SECTION 1. The board of supervisors of the county of New York shall, in the year eighteen hundred and seventy-two, and in each and every year thereafter, levy and collect by tax upon the real and personal property of the said city and county, to be levied and collected at the same time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected, the sum of twenty-five thousand dollars, and pay the same over to the American Female Guardian Society, of the city of New York, to be applied to the support of the industrial schools and other charitable work of the said society.

§ 2. This act shall take effect immediately.

## Chap. 755.

AN ACT to amend an act entitled "An act to incorporate the New York Loan and Improvement Company," passed May sixth, eighteen hundred and seventy.

Passed May 17, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight of chapter six hundred and eighty-nine of the Laws of eighteen hundred and seventy, entitled "An act to incorporate the New York Loan and Improvement Company," passed May sixth, eighteen hundred and seventy, is hereby amended so as to read as follows: The stockholders of the company, incorpo-

rated under this act, shall be severally and individually liable to the creditors of the company, only to an amount equal to the amount unpaid upon the capital stock held by them respectively, for all debts and contracts made by such company; and the corporation hereby created shall be subject to the provision of titles three and four, chapter eighteen, part first of the Revised Statutes.

Liability  
of stock-  
holders.

§ 2. The New York Loan and Improvement Company may, by a vote or certificate, duly signed, of a majority of the persons named in said act of incorporation, or their assigns, reduce the number of directors of said company to not less than five, and may designate by vote or in such certificate such directors, and the persons so designated shall be the directors of said company for one year from the passage of this act, or until others are elected in their places.

Number  
of direct-  
ors may  
be re-  
duced.

§ 3. This act shall take effect immediately.

## Chap. 756.

AN ACT to provide for laying out and opening a public road or highway in the town of Geddes, Onondaga county.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows.*

SECTION 1. The trustees of the village of Geddes, ex-officio commissioners of highways in road district number one in the town of Geddes, may, by resolution adopted at a regular meeting thereof, declare the lands hereinafter described to be a public road or highways, to wit: All that certain strip, piece or parcel of land in the town of Geddes, Onondaga county, being one hundred and fifty feet in width, the north line of which is described as follows, to wit: Beginning at a point in the west line of the city of Syracuse where the north line of Baldwin street, if extended, would intersect the said west line; thence west on the north line of Baldwin street extended to the west line of farm lot number two

Trustees  
of village  
of Geddes  
may de-  
clare cer-  
tain land a  
public  
road.

Descrip-  
tion.

hundred and eighty-five; thence southwesterly through a point seventy-five feet northerly from the intersection of the center line of Fourth South street, in the village of Geddes, with the easterly bank of the Erie canal to the Erie canal.

Commissioners of estimate and assessment.

Official oath of

Commissioners to examine route and give notice of meeting, to determine amount of compensation to be made owners.

When commissioners to make appraisal.

To make report in writing, what to contain.

§ 2. Any freeholder of said town of Geddes may apply, by petition duly verified, to any court of record, at any term thereof appointed to be held in the county of Onondaga, for the appointment of three commissioners of estimate and assessment for the laying out and opening of said public road or highway. Upon the presentation of such petition, the court to which the same shall be presented shall appoint three disinterested citizens residing in said county to perform the duties prescribed in this act. The said commissioners, before proceeding to perform such duty, shall each take and subscribe the oath required by the twelfth article of the Constitution, which oath may be administered by the clerk of the county of Onondaga, or his deputy, and shall be filed in the office of said county clerk.

§ 3. The said commissioners shall go upon and personally examine the route of the said public road or highway, and shall give notice to each owner or occupant of the lands or tenements required to be taken for the same, of their intention to meet at a time and place in said town of Geddes, to inquire and determine what compensation ought to be made to such owner or occupant for the damages which the taking of any such lands or tenements will occasion to such owner or occupant; and if the commissioners shall be unable to agree with such owner or occupant as to the amount of damages sustained by them, the said commissioners shall appraise the value of the lands and tenements taken or required for such public road or highway, and the damages which will thereby be occasioned to any such owner or occupant with whom they shall be unable to agree. The said commissioners shall make a report, in writing, setting forth the damages awarded by them for any lands or tenements required or taken for such public road or highway, and the name of the owner or occupant entitled to such award, and the amount thereof to which each owner or occupant is severally entitled; and also,



the several amounts agreed upon by them with any owner or occupant for damage, as above provided; and also, a description of each parcel of land, and the owner thereof. The said report shall contain a statement of the fees and expenses of the commissioners, and shall be signed by them, or a majority of them, and duly acknowledged before an officer authorized to take the acknowledgment of deeds, and shall be filed in the office of the clerk of said county, and notice of such filing shall be given in writing by the service of a copy thereof on the owner or occupant of each of the lots or parcels of land so appraised, as aforesaid, at any time within twenty days after the service of notice of filing such report; any person feeling aggrieved by such award, may appeal therefrom to the county court of said county, by serving written notice of such appeal upon either of said commissioners and on the county clerk. Such appeal shall be heard by said court, according to the rules and practice of said court, on appeals from justices' judgments; but no costs shall be awarded on the appeal. On the hearing thereof, the court may affirm or set aside said award and direct a new award before the same or new commissioners, in its discretion. The second report shall be filed in said clerk's office, and shall be final and conclusive upon all the parties interested. Each of the said commissioners shall be entitled to receive three dollars a day for each day actually engaged in the duties prescribed by this act. The amount of such expenses and other incidental and necessary expenses shall be stated in such report, and shall constitute a part of the amount to be assessed, and collected, and paid, as hereinafter provided.

§ 4. If no appeal shall be taken from said report, or if said report shall be affirmed, or a second report shall be made and filed, the county clerk shall deliver to the supervisor of said town of Geddes a certified copy of said report, and said supervisor shall lay the same before the board of supervisors of said county at their next meeting. The aggregate of the several sums awarded or agreed upon for damages to the owners and occupants for the land and tenements required or taken for the said public road or highway and of the fees and

Report to be acknowledged, filed, and notice given.

Appeal, how taken.

Proceedings on appeal.

Compensation of commissioners.

Copy of report to be delivered to supervisor to be laid before board.

Sums awarded to be levied and collected in

town of  
Geddes  
same as  
other  
taxes.

expense as certified in said report shall be assessed, levied and collected in said town of Geddes in the same manner as other town charges, and shall be paid over to said supervisor by the tax collector, and it shall be the duty of said supervisor to pay over to the persons so entitled to the same the several sums so awarded for the taking of lands as aforesaid, and to said commissioners the fees and expenses as certified by them in their report. In case the lands taken are incumbered the amount of such incumbrance may be paid by the supervisor, and such payment shall operate as a payment of so much of the award to the owner.

When  
road to be  
opened,  
worked  
and used.

§ 5. After the payment of said damages so assessed and the fees and expenses as aforesaid, the said public road, or highway shall be opened, used and worked in the same manner and by the like authority as highways laid out in the towns of this State under existing laws.

§ 6. So much of the provisions of existing laws relating to the laying out or construction of public highways as are inconsistent with the provisions of this act, shall not be deemed to apply to the public road or highway hereby authorized to be constructed.

§ 7. This act shall take effect immediately.

## Chap. 757.

AN ACT to perfect an amendment to the Constitution relative to the Court of Appeals and for the extension of the service of the Commissioners of Appeals.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Preamble;

Whereas, the following amendment to the Constitution of this State was agreed to by a majority of all the members elected to each branch of the Legislature for the year one thousand eight hundred and seventy-one; and the said amendment was duly entered on the journals of each branch of the Legislature, with the yeas and nays taken thereon, and referred to the

Legislature to be chosen at the next general election of Senators; and was duly published for three months previous to the time of making such choice in pursuance of the thirteenth article of the Constitution of this State; and whereas, said amendment was also agreed to by a majority of all the members elected to each of the said branches of the Legislature for the year one thousand eight hundred and seventy-two, pursuant to the said thirteenth article; which said amendment is in the words following, to wit:

"Relative to the Court of Appeals and for the extension of the term of service of the Commissioners of Appeals." Proposed amendment.

*Resolved* (if the Assembly concur), That the sixth article of the Constitution of this State be amended, by adding thereto the following section:

§ 28. The Court of Appeals may order any of the causes, not exceeding five hundred in number, pending in that court at the time of the adoption of this provision, to be heard and determined by the Commissioners of Appeals, and the Legislature may extend the term of service of the Commissioners of Appeals, for a period not exceeding two years.

Now therefore, for the purpose of submitting the said proposed amendment to the people of this State:

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The inspectors at each poll in the several towns and wards of this State at the general election to be held in this State on the fifth day of November in the year of our Lord one thousand eight hundred and seventy-two, shall provide a box to receive the ballots of the citizens of this State, in relation to the said proposed amendment; and each voter may present a ballot on which shall be written or printed, or partly written and partly printed, one of the following forms, namely:

"For the proposed amendment relative to the Court of Appeals," or Inspectors to provide box to receive ballots.

Form of ballots.

"Against the proposed amendment relative to the Court of Appeals."

How in-  
dorsed  
and

folded.

Electors.

The said ballots shall be indorsed "Proposed Amendments relative to the Court of Appeals," and shall be so folded as to conceal the contents of the ballot and exhibit the indorsement.

And all the citizens of this State entitled to vote for members of Assembly in their respective districts shall be entitled to vote on the adoption of the said proposed amendment, during the day of election, in the several election districts in which they reside.

Ballots  
how  
counted  
and can-  
vassed.

§ 2. After finally closing the poll of such election, the inspectors thereof shall count and canvass the ballots given relative to the said proposed amendment, in the same manner as they are required by law to canvass the ballots given for Governor, and thereupon shall set down in writing, and in words at full length the whole number of votes given "For the proposed amendment relative to the Court of Appeals," and the whole number of votes given "Against the proposed amendment relative to the Court of Appeals," and shall certify and subscribe the same, and cause copies thereof to be made and certified and delivered as prescribed by law in respect to the canvass of votes given at an election for Governor.

Canvass  
and state-  
ments to  
be made  
by county  
and State  
canvass-  
ers.

§ 3. The votes so given shall be canvassed by the board of county canvassers, and statements thereof shall be made, certified and signed, and recorded in the manner required by law, in respect to the canvassing of votes given at an election for Governor, and certified copies of the statements and certificates of the county canvassers shall be made, certified, and transmitted by the county clerks, respectively, in the manner provided by law in cases of election for Governor. The said certified copies transmitted by the county clerks shall be canvassed by the board of State canvassers, in the like manner as provided by law, in respect to the election of Governor, and in like manner they shall make and file a certificate of the result of such canvass, which shall be entered of record by the Secretary of State, and shall be published by him in the State paper.

To be en-  
tered of  
record  
and pub-  
lished by  
Secretary  
of State.

§ 4. This act shall take effect immediately.

## Chap. 758.

AN ACT to release to John Shafer the right, title and interest of the people of the State of New York in and to certain real estate in the city of New York.

Passed May 17, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the right, title and interest of the people of the State of New York in and to that certain real estate lying and being in the seventeenth ward of the city of New York, in the county of New York, and particularly described in a deed executed by the trustees of the First German Methodist Episcopal Church of the city of New York, to John Shafer, dated January the thirty-first, in the year one thousand eight hundred and seventy-two, and recorded in the office of the register of the city and county of New York, in liber eleven hundred and ninety-eight of conveyances, page two hundred and eighty-nine, on the fifth day of February, one thousand eight hundred and seventy-two, are hereby released to John Shafer, his heirs, executors, administrators and assigns forever.

Interest of  
State re-  
leased.

§ 2. Nothing in this act contained shall be held or construed to affect the right, title, interest, claim or demand of any heir at law, devisee, grantee or vendee, or of any creditor by mortgage or otherwise.

Not to im-  
pair vest-  
ed rights.

§ 3. This act shall take effect immediately.

## Chap. 759.

AN ACT to amend an act entitled "An act to incorporate the East Side Association of the city of New York," passed May ninth, eighteen hundred and sixty-eight.

Passed May 17, 1872; three-fifths being présent.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Word  
"trustees"  
stricken  
out and  
"directors"  
inserted.

SECTION 1. The several sections of the act entitled "An act to incorporate the East Side Association of the city of New York," passed May ninth, eighteen hundred and sixty-eight are hereby amended by striking from the said sections the word "trustees," wherever the same occur therein, and inserting in the place thereof the word "directors." Eleven directors shall constitute a quorum for the transaction of business.

Rules, by-laws, etc.

§ 2. The said association shall have power to make and adopt a constitution, by-laws, rules and regulations for the admission, government, suspension and expulsion of its members, the collection of fees, fines and dues, and the safe keeping and protection of its property and funds, and from time to time to alter, modify, change and repeal such constitution, by-laws, rules and regulations. And the said association may divide its members into two or more classes, and give to one or more of such classes the right to vote and to hold office, and exclude the others from such right; and it may give to any member owning any of its building stock the right to vote, as such member, in addition to the right to vote as a stockholder; but no person shall be entitled to more than one vote by reason of being the owner or holder of any such building stock.

Members may be divided into two classes.

May take, hold, lease, mortgage or sell real estate.

§ 3. The said association, for the purposes mentioned in the said act, shall be capable of taking and holding by purchase, devise or otherwise, and of selling, leasing, mortgaging, or otherwise disposing of, in whole or in part, any real or personal estate, the annual income of which shall not exceed fifty thousand dollars; but no such sale, lease, mortgage or other disposition of the said estate shall be deemed to be valid without the con-

sent of the trustees hereinafter mentioned, or a majority of them, first obtained in writing.

§ 4. The control and management of all the trust funds and property of the association, shall be vested in a board of nine trustees, who shall be known as "the trustees of the East Side Association," of whom the president of the East Side Association shall be one, and the treasurer of the East Side Association shall be one, by virtue of their respective offices. The said trustees shall constitute an advisory board whose consent, as hereinbefore expressed, shall be necessary to the valid and effectual transfer, sale, lease, mortgage or other disposition of the real or personal estate of the said association, and to the erection or alteration of any building or buildings now owned by the said association, or which may hereafter be contemplated by the board of directors. The said trustees shall keep the trust funds of the association securely invested, and shall pay over the income derived therefrom, as well as the rents and incomes obtained from the real estate aforesaid, as the same shall accrue, to the treasurer of the said association; whose receipt therefore shall be a full and sufficient discharge to the said trustees and their successors, to be applied by the board of directors to the proper uses and purposes of said association. The president and treasurer of the said association, for the time being, and seven other persons to be selected by the board of directors (the present board of trustees) of said association, at a regular meeting of said board, to be held within sixty days after the passage of this act, shall be the first trustees for the purposes of this act; and the said trustees shall have power to fill any vacancy which may occur in their own body by death, resignation or otherwise, except in the cases of the president and treasurer of said association; provided that every person chosen to fill said vacancy, shall be at the time of his election and during his continuance in office as such trustee, a member of the said East Side Association.

§ 5. There shall be a joint meeting of the board of directors and trustees on the second Tuesday of June in each year, at which time the trustees shall report to the board of directors the condition of the funds and

Control of property to vest in board of nine trustees.

Trustees to constitute an advisory board.

Trust funds to be kept invested and interest and income paid to treasurer.

First trustees.

Vacancies, how filled.

Joint meeting of board of directors and trustees.

property intrusted to them, and the account relative thereto, during the year next previous.

Act, how construed.

§ 6. This act is hereby declared to be a public act, and shall, in all courts and places, be construed benignly and favorably for every beneficial purpose therein intended, and no misnomer or misdescription of the said corporation in any will, deed, gift, grant, demise, or other instrument of contract or conveyance shall defeat or vitiate the same; but every such will, deed, gift, grant, demise, or other instrument of contract or conveyance, shall take effect in like manner as if the said corporation were rightly named therein, provided it be sufficiently described to ascertain the intent of parties.

Property and net income to be devoted to maintenance, etc., of circulating library, etc.

§ 7. The property and net income of said association derived from said property, shall be devoted solely to the establishment and maintenance of a reference and circulating library, reading rooms, literary and scientific lectures, classes in the various departments of instruction, and other means of promoting the improvement of its members.

§ 8. All the provisions of the act hereby amended inconsistent with this act, are hereby repealed without prejudice to any rights accrued under the same.

§ 9. This act shall take effect immediately.

## Chap. 760.

AN ACT to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commissioners to be appointed.

SECTION 1. It shall be lawful for the Supreme Court of the State of New York, at any special term thereof, held in the second judicial district, on the application of twelve freeholders of the counties of Kings or Queens,



to appoint three commissioners, whose duty it shall be to enter upon and perform the duties and to carry into effect the provisions of this act:

§ 2. Said commissioners are hereby authorized to purchase the whole length of the road, and improve, for public use, the highway now or formerly of the Williamsburgh and Jamaica Turnpike Road and Bridge Company, from the intersection of said highway with Bushwick avenue in the city of Brooklyn, to the end thereof, and improve the same to the head of the Vleigh road, at Mrs. Hendrickson's corner, on said highway, in the town of Newtown, county of Queens.

Commissioners to purchase and improve for public use the highway named.

§ 3. Said commissioners shall, before entering upon their duties, take the oath of office required by the Constitution, before a person duly qualified to administer the same; and, in case of vacancy, death, neglect or refusal to serve, or resignation, of any of the commissioners, as first appointed, such vacancy shall be filled by the said Supreme Court, as on the first appointment.

Official oath.

Vacancies, how filled.

§ 4. The said commissioners shall have power and are hereby authorized to estimate the value of any land or improvements taken for such road, and of all rights and interests thereto or therein affected, interfered with or destroyed by the taking and improvement aforesaid, and to award to the owners or persons interested or affected by such taking or improvement, such amount as they shall consider just and proper for taking the same, not exceeding fifteen thousand dollars.

Commissioners to estimate value of land, etc., taken for road.

§ 5. Before proceeding to make such award, the said commissioners shall give public notice in two newspapers published in Kings county, and in two newspapers published in Queens county, at least ten days previous to the meeting, of their intention to proceed and make the award required by this act, and of the time and place they will meet for that purpose; at which meeting all persons interested may appear and be heard in relation to said award, which shall be presented to the Supreme Court of the second judicial district, at a special term thereof, to be held in either of the aforesaid counties, for confirmation. Upon the confirmation of such report, the lands for which awards shall be made, shall vest in the city of Brooklyn and

Commissioners to give notice of intention to proceed and make award.

Interested parties to be heard.

When lands to vest in city and town.

town of Newtown, county of Queens, in which they are situated, for the purpose of a public highway.

Commissioners to advertise for proposals before giving out contract.

§ 6. The said commissioners shall advertise in two newspapers in Kings county, and two in Queens, for two successive weeks for proposals, before giving out any contract for grading and macadamizing said highway, from Bushwick avenue, in the county of Kings, to the head of the Vleigh road, at Mrs. Hendrickson's corner, in the town of Newtown, county of Queens, for grading and macadamizing said highway as follows:

How to be graded.

To be graded so as to allow sixteen feet wide of macadamizing, one foot deep outside the horse railroad tracks on the north side of said road, if one of said railroad tracks should be removed or placed on the north side of said road before construction of said macadamized road, then said road to be macadamized in the center so as to establish a permanent and compact road-bed. Where railroad tracks are laid on the road, the same shall be paved inside the tracks, and one foot outside by and at the expense of the railroad companies, and the total expense of grading and macadamizing said road shall not exceed fifty thousand dollars.

Three-fourths of the expenses of grading, compensation of commissioner, etc., to be charged upon town, and one-fourth upon lands in Brooklyn.

§ 7. The said commissioners shall each receive three dollars a day as compensation, but shall not exceed one hundred days each, for their services, and in addition be paid their necessary disbursements, which together with the amount of the expenses of grading and macadamizing, pursuant to section six of this act, shall be a charge upon and paid by the said town of Newtown to the extent of three-quarters of said amount, and upon and by the lands in the city of Brooklyn situated within one thousand feet on each side of said road or highway. The said commissioners shall state in their said report the amount which is a charge upon said town of Newtown, and the amount charged or assessed upon each piece of property within the assessment district of one thousand feet upon each side of said road or highway in the city of Brooklyn, including both the amount of awards, pursuant to sections four, five and six of this act, and also the amount of the expense for grading and macadamizing, and for the compensation and disbursements of the commissioners as aforesaid;

What to be stated in commissioners report.

and upon the confirmation of said report, all assessments therein made upon lands and real estate in the city of Brooklyn, within said assessment district, shall be collected in the same manner in which assessments for local improvements are collected in said city, and the lands and real estate upon which such assessment shall be laid may be sold for the payment and collection of such assessments, together with all interest, commissions and expenses, in the same manner and by the same proceedings as by the laws of this State lands are authorized to be sold for the non-payment of assessments for local improvements in the city of Brooklyn, and the supervisor of the town of Newtown shall issue bonds of said town for the amounts charged in said report upon said town of Newtown; said bonds bearing interest at the rate of seven per cent. per annum, interest payable semi-annually, and shall be payable in five, ten and fifteen years from the date of issue, in equal amounts, and shall be paid over to said commissioners to be used by them for the purposes of this act; said road to be completed on or before the first day of January, eighteen hundred and seventy-four.

Assessments made upon lands in Brooklyn how collected.

Supervisor to issue bonds for amount charged upon town.

When road to be completed.

§ 8. This act shall take effect immediately.

## Chap. 761.

AN ACT to amend chapter eighty of the Laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the military code."

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one hundred and sixty-nine of chapter eighty of the Laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public

defense, and entitled the military code," is hereby amended so as to read as follows:

Clerks to  
be em-  
ployed.

§ 169. Such and so many clerks shall be employed in the several departments of the general staff of the State as shall be actually necessary for the public service in the opinion of the Commander-in-Chief, and they shall receive, for the time they may be actually necessarily employed, such compensation as the Commander-in-Chief shall prescribe.

Compen-  
sation.

§ 2. This act shall take effect immediately.

## Chap. 762.

AN ACT to incorporate the German United Evangelical Synod of the East.

Passed May 17, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Synod de-  
clared a  
body cor-  
porate.

SECTION 1. The synod connected with the United Evangelical Church of the United States, and known as the Synod of the East, to distinguish it from the other synod of said church called the Synod of the West, shall be and is hereby declared to be a body corporate and politic by the name and style of "The German United Evangelical Protestant Synod of the East," and by that name its members and their successors shall have perpetual succession, shall be capable of suing and being sued in any court whatever, and shall have and use a common seal, which they may alter and change at pleasure.

Corporate  
name.

Officers.

§ 2. It shall be lawful for the regular members of the said synod, at its annual meeting, to select a president, secretary and treasurer of said corporation, and to make and ordain such by-laws and regulations in relation to the management and disposition of their real and personal estate, the duties of their officers, and the management of their corporate affairs, as they shall deem proper, provided they are not inconsistent with the Constitution and laws of this State and of the United States, and until the next annual meeting of said synod, or until successors are chosen, the Rev. George S. Vogt

By-laws,  
etc.

Present  
officers

shall be president, the Rev. Frederick Schelle, D. D., secretary, and August Jarecki treasurer of said corporation.

§ 3. The said corporation shall have power to hold in trust deeds of church property and other beneficent institutions, and of taking, holding and receiving any property, real, personal or mixed, by virtue of any devise, bequest, subject to all provisions of law relating to devises and bequest by last will and testament, grant or purchase, provided the yearly value of such property shall not exceed the sum of one hundred thousand dollars, and that the same shall be appropriated to religious, charitable or missionary purposes. Corporate powers.

§ 4. The said corporation shall possess the general powers, rights and privileges, and be subject to the liabilities and provisions contained in the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable. General powers.

§ 5. This act shall take effect immediately.

## Chap. 763.

AN ACT to amend an act entitled "An act to amend the charter of the village of Saratoga Springs," passed March twenty-sixth, eighteen hundred and sixty-six, and the acts amendatory thereof.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. James M. Marvin, William Bennett, Henry B. Hanson, John W. Crane and James H. Wright are hereby appointed water commissioners for the village of Saratoga Springs. Water commissioners.

§ 2. The management and control of the water-works of said village, and the water, buildings, erections, machinery, lands, ponds, dams, races, pipes, hydrants, cisterns, reservoirs and other property thereof, or connected therewith, now held or that may be acquired therefor, together with all receipts, water rents, taxes Management and control of water-works, etc., to vest in commissioners.

and income therefrom, and the avails thereof, are hereby vested in said commissioners and their successors, and shall be subject to their management and control.

Terms of office.

§ 3. Said commissioners shall continue in office as follows: One of them for one year, one for two years, one for three years, one for four years, and one for five years, from the first day of May, eighteen hundred and seventy-two; and they shall, on or before the fifteenth day of May in that year, meet and determine by lot the term of each commissioner, which determination shall be entered in a book of their proceedings to be kept by them.

Trustees to appoint one commissioner annually.

§ 4. The trustees of said village shall, at a meeting in April in each year hereafter, appoint one water commissioner, who shall hold his office for five years from the first of May next ensuing, and until a successor is appointed, who shall have the same powers and duties, and be subject to the same liabilities as any of the commissioners hereby appointed.

Commissioners to take control of water-works and property.

§ 5. It shall be the duty of the commissioners hereby appointed, and their successors, to take upon themselves the duties of their office, to take into their control and management the water-works of said village, including the property taxes, rents and income thereof; to manage and control the repairs, alterations and use thereof, and to use all reasonable precaution for the preservation and security thereof, and to make and publish rules and regulations for the control and management thereof. The said commissioners shall have the same powers in relation to and control of said water-works and property, and the rents, taxes, receipts and income thereof, as is now possessed by the board of trustees of said village and by the present water commissioners, and the power to fix, regulate and establish the rents, taxes and assessments to be paid by the inhabitants of said village, and others holding, owning or occupying lots or land therein with buildings thereon, or owning real estate in said village, or lots without buildings thereon, for and on account of said water-works, water or the use of water, and to determine who shall pay and be liable to pay the same, and to levy and collect the same as herein provided. Provided, said rents, taxes

To have same powers as to works as is now possessed by trustees.

May fix and regulate rents, etc.

and assessments shall be apportioned as near as may be to the different classes of buildings, lots and lands, with reference to the character, dimensions, use, value, occupancy and location thereof; and provided, further, that said buildings, lots and lands shall be situated upon streets along which water pipes are laid or accessible thereto. And it shall be the duty of said commissioners to make a list of all persons, firms and corporations, with the taxes, rates and charges each is assessed or required to pay, stating the times and when payable, and to give notice by publication in one or more of the village newspapers of the completion of said list, and that they will meet annually on the third Wednesday of June to hear grievances. At which time, or as soon thereafter as they shall be able to do so, they may increase or reduce such of said rates and assessments as they shall think best, and they may add the names of any person, firm or corporation that may have been omitted. After such list, in any year, shall have been completed, a certified copy of the same shall be left for thirty days with the receiver of taxes and assessments of said village, who shall receive the amounts paid thereon in the said thirty days, and deliver the same to the said water commissioners as often as every five days during said time. After the expiration of the said thirty days the said receiver shall proceed to collect the amount unpaid upon said list, in the same manner as other taxes are collected, and five per cent. in addition thereto, and shall have the same power to enforce payment by sale or otherwise as for other taxes. And the same shall be a lien upon real estate the same as other taxes; and he shall pay the amount so collected to the said commissioners as often as once in ten days, except said five per cent., which shall be deposited and applied as payment upon the salary of the receiver of taxes and assessments.

Rents,  
etc... how  
apportioned.

To make  
list of  
persons  
and  
amount of  
taxes.

Meeting  
to hear  
grievances.

List to be  
left with  
receiver  
of taxes  
for payments.

After  
thirty  
days receiver to  
proceed and collect  
amounts unpaid.

Unpaid  
taxes to  
be liens on  
real estate.

§ 6. Until the receiver of taxes and assessments for the town and village of Saratoga Springs shall be elected and qualified, the rents assessments and taxes to be collected and received as herein provided, shall be collected and received by the superintendent, to be appointed by the commissioners, as authorized by this

How collected before receiver of taxes is elected and qualified.

act. And he shall have the same powers to collect and receive the same, and to enforce payments thereof as are hereby given to said receiver. And he shall pay over to said commissioners all moneys so received and collected as often as herein described in relation to such payments by said receiver. The commissioners shall deliver to him the list before mentioned of rates, rents and assessments as herein directed, as to the delivery thereof to said receiver.

Money received and collected, how applied.

§ 7. The said money received and collected, and all moneys received and collected, on account of said water-works, water and property and the income thereof, shall be applied by said commissioners in payment of the principal and interest of the debt incurred for or on account of said water-works, and to the necessary repairs, alterations and preservation of said works, as fast as said money can be used therefor. But in case any part thereof cannot be so used at the time it is received, then said commissioners shall apply the same to a sinking fund for the redemption of said debt, but nevertheless to be used in payment as aforesaid at the earliest practicable time out of said fund. And, except the payment of necessary expenses and the salary of the superintendent, no part of said money shall be used for any other purpose whatever.

Superintendent of water-works may be appointed by commissioners.

§ 8. The said commissioners shall have power to appoint, from time to time, a superintendent of said water-works and the property belonging thereto, at a salary not exceeding one thousand dollars per year, and to regulate and determine his powers and duties, and to remove him from office. The said commissioners shall be responsible for the faithful accounting, by said superintendent, for all moneys received by him, and he shall give security to them for the faithful performance of his duties in such sum and with sureties as they shall direct.

Commissioners not to receive compensation. To give bond.

§ 9. The said commissioners shall receive no compensation for their services, but shall be entitled to their necessary and reasonable expenses incurred in the discharge of their duties. They shall give bond for the faithful discharge of the duties of their office in the sum of ten thousand dollars each, with three or more sure-



ties, to be approved by the board of trustees of said village.

§ 10. In case of vacancy in the office of commissioner, the board of trustees of said village may fill such vacancy for the balance of the term vacated, and no longer. A majority of the commissioners shall constitute a quorum for the transaction of business; they shall keep a record of their proceedings; one of their number shall be designated as president, who shall preside at their meetings.

Vacancies, how filled.

§ 11. The said commissioners shall annually, in the first week in April, make and publish a statement of the amount of the principal and interest of said indebtedness, the amount of money in their hands applicable thereto, the items of their receipts and disbursements, and their estimates of the amount necessary to be raised by the board of trustees for the purpose of paying any portion of the interest and principal of said indebtedness; and it shall be the duty of said trustees to levy and collect the amount so estimated and certified to, and pay the same over to said commissioners, to be applied upon such indebtedness. The trustees of the village may at any time call upon said commissioners for a report in writing of their proceedings, and it shall be their duty to render the same; and, upon a resolution of two-thirds of the trustees, an action may be instituted in the name of the village against said commissioners or either of them for any misfeasance, malfeasance or default in the discharge of their duties.

Annual financial statement to be published

Commissioners to report to trustees when required.

§ 12. The present commissioners of construction shall surrender the water-works and property under their control to the commissioners appointed under section one of this act, as far as the same are now completed, within thirty days after the passage of this act, and shall make and render an account of their proceedings and the amount received and expended by them to the board of trustees of said village.

When works and property to be surrendered to commissioners named in this act.

§ 13. The trustees of the village of Saratoga Springs, or a majority of them, are hereby authorized and directed to issue the bonds of said village, executed by them, or a majority of them, and signed by the president of the village, and countersigned by the clerk of said

Trustees to issue bonds; and the avails to be used in extending such

water-works, etc.

village, to an amount not exceeding fifty thousand dollars, which shall bear interest not exceeding seven per cent. per annum, and payable at some time within thirty years from the date hereof, such interest being payable semi-annually; the avails of said bonds to be used for the purpose of extending and completing the new village water-works and paying the present indebtedness of constructing the same. The said bonds, or so many of them as shall be required for the purpose of this act, shall be delivered by the said trustees, or a majority of them, to the commissioners of construction hereinafter named, and receipts taken therefor in books prepared for that purpose.

Bonds to be negotiated.

§ 14. It shall be the duty of said commissioners of construction, or some of them, to negotiate and sell the said bonds in the same manner heretofore provided in chapter five hundred and fifty-seven of the Laws of the State of New York, passed in the year eighteen hundred and sixty-eight, and appropriate the proceeds thereof for the purposes hereinbefore provided.

Parties named continued as commissioners of construction.

§ 15. James M. Marvin, Henry H. Hathorn, Cornelius Sheehan, John W. Crane, William Bennett, Charles H. Holden, Charles H. Ballard, Walter J. Hendrick and Oliver L. Barbour, are hereby continued in office as commissioners of construction, until the first day of September, eighteen hundred and seventy-two, and are hereby declared the commissioners of construction under chapter five hundred and fifty-seven of the Laws of eighteen hundred and sixty-eight, and the various acts amending the same. The commissioners named in section fifteen of this act shall proceed with due diligence to complete said new water-works, and, when completed, surrender the same to the commissioners named in section one of this act, and shall make and render a report, under oath, of their proceedings and the amount received and expended by them, to said trustees.

To proceed and complete works.

Trustees to levy tax to pay expenses of special police in year 1871.

§ 16. The board of trustees of the village of Saratoga Springs are authorized to levy and collect upon the taxable property of the said village at the time of levying and collecting their annual tax for the year eighteen hundred and seventy-two, the sum of one

thousand four hundred and seventy-five dollars, to defray the expenses of the special police incurred in the year one thousand eight hundred and seventy-one.

§ 17. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 18. This act shall take effect immediately.

## Chap. 764.

AN ACT to authorize the consolidation of the Rochester, Nunda and Pennsylvania Railroad with certain other railroads, and to ratify and confirm the action of said railroads heretofore had relating to the consolidation thereof.

Passed May 17, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The provisions of the act entitled "An act authorizing the consolidation of certain railroad companies," passed May twenty, eighteen hundred and sixty-nine, are hereby extended to the Rochester, Nunda and Pennsylvania Railroad Company, and to the Rochester, Nunda and Pennsylvania Extension Railroad Company, and to the northern extension of the Rochester, Nunda and Pennsylvania Railroad Company, and the branch roads of said companies may avail themselves of the provisions of said act to the same effect as if said respective roads were in operation, and the action of said railroad companies, and the stockholders thereof, in reference to the consolidation of said companies, shall have the same force and effect as if done after the passage of this act, and the same is hereby ratified and confirmed.

Consolidation of railroad companies named ratified.

§ 2. This act shall take effect immediately.

## Chap 765.

AN ACT to legalize payments made by the Comptroller to justices of the Supreme Court in the second judicial district, and to authorize further payments by said Comptroller to said justices.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Payments  
by Comptroller to  
Justices of  
Supreme  
Court of  
second  
district  
legalized.

SECTION 1. All payments heretofore made by the Comptroller of the State to justices of the Supreme Court of the second judicial district out of moneys received by him under and pursuant to the provisions of an act of the Legislature, entitled "An act authorizing the supervisors of the several counties in the second judicial district, not including the county of Kings, to appropriate and pay compensation to justices of the Supreme Court and to stenographers of said court," passed May nine, eighteen hundred and sixty-eight, are hereby declared to be in all things legal and valid.

Comptroller to  
make further  
payments to  
said  
justices.

§ 2. The said Comptroller is hereby authorized and directed to pay to the justices of the Supreme Court, referred to in the aforesaid act, and in the manner therein specified, all the moneys heretofore received by him for said justices, under the provisions of said act, and now remaining unpaid to said justices, and also all moneys which may hereafter be received for them by him, under the provisions of such act; the said moneys are hereby appropriated to the above purposes,

§ 3. This act shall take effect immediately.

## Chap. 766.

AN ACT to amend chapter seven hundred and fifty of the Laws of eighteen hundred and seventy-one, entitled "An act to incorporate the trustees of the estate belonging to the diocese of Long Island," and to authorize said corporation to acquire and hold land for religious, charitable and benevolent purposes.

Passed May 17, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the corporation created by the act hereby amended, and said corporation is hereby authorized and empowered to take by grant, conveyance, devise or bequest any estate, real or personal, upon trust for any church, society or congregation belonging to the Protestant Episcopal Church in said diocese, and hold, manage, transfer, and convey the same for the uses and purposes of said church, society or congregation; provided, however, that so long as the title to any such property shall be vested in said corporation, the same shall be held and used only in conformity with the canons, rules, regulations and usages of the Protestant Episcopal Church in said diocese.

Corporation may take and hold upon trust for any Protestant Episcopal Church or society any real or personal estate.

§ 2. This act shall take effect immediately.

## Chap. 767.

AN ACT to establish the compensation of county judges and surrogates, pursuant to the fifteenth section of the amended sixth article of the Constitution.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Pursuant to the fifteenth section of the amended sixth article of the Constitution, the annual

Salaries of county judges

and sur-  
rogates.

salaries of county judges and surrogates, in the several counties of this State, except in the county of New York, from and after the first day of January, in the year one thousand eight hundred and seventy-two, are hereby established as follows, viz.:

Judge of  
Kings  
county.

The salary of the county judge of the county of Kings is hereby fixed at the sum of eight thousand dollars.

Albany  
and West-  
chester.

The salaries of the county judges of the counties of Albany and Westchester, are hereby fixed at the sum of four thousand five hundred dollars each.

Erie and  
Rens-  
selaer.

The salaries of the county judges of the counties of Erie and Rensselaer are hereby fixed at the sum of five thousand dollars.

Onon-  
daga,  
Oneida  
and  
Monroe.  
Otsego,  
Saratoga,  
Ulster,  
etc.

The salaries of the county judges of the counties of Onondaga, Oneida and Monroe are hereby fixed at the sum of four thousand dollars each.

The salaries of the county judges of the counties of Otsego, Saratoga, Ulster, Dutchess, Orange, Clinton, Columbia and Washington are hereby fixed at the sum of three thousand dollars each.

Niagara,  
Jefferson  
and  
Queens.

The salaries of the county judges of the counties of Niagara, Jefferson and Queens, are hereby fixed at the sum of two thousand five hundred dollars each.

St. Law-  
rence,  
Oswego,  
etc.

The salaries of the county judges of the counties of St. Lawrence, Oswego, Cayuga and Ontario, are hereby fixed at the sum of two thousand dollars each.

Chautau-  
qua.

The salary of the county judge of the county of Chautauqua is hereby fixed at the sum of one thousand six hundred dollars.

Cattaraugus.

The salary of the county judge of the county of Cattaraugus, is hereby fixed at the sum of one thousand five hundred dollars.

Surro-  
gate of  
Kings  
county.

§ 2. The salary of the surrogate of the county of Kings is hereby fixed at the sum of eight thousand dollars.

Albany,  
Monroe  
and Rens-  
selaer.

The salaries of the surrogates of the counties of Albany, Monroe and Rensselaer, are hereby fixed at the sum of four thousand dollars each.

Onon-  
daga.

The salary of the surrogate of the county of Onondaga, is hereby fixed at the sum of three thousand five hundred dollars.

The salaries of the surrogates of the counties of Queens, Dutchess, Ulster, Orange, Oneida, Columbia and Westchester, are hereby fixed at the sum of three thousand dollars each.

Queens,  
Dutchess,  
etc.

The salaries of the surrogates of the counties of Otsego, Jefferson, Saratoga and Washington, are hereby fixed at the sum of two thousand five hundred dollars each.

Otsego,  
Jefferson,  
etc.

The salaries of the surrogates of the counties of Niagara, Cayuga, St. Lawrence and Oswego, are hereby fixed at the sum of two thousand dollars each.

Niagara,  
Cayuga,  
etc.

The salary of the surrogate of the county of Chautauqua, is hereby fixed at the sum of one thousand six hundred dollars.

Chautau-  
qua.

The salaries of the surrogates of the counties of Cattaraugus and Ontario, are hereby fixed at the sum of one thousand five hundred dollars each.

Cattaraugus  
and  
Ontario.

The salary of the surrogate of the county of Erie is hereby fixed at the sum of four thousand five hundred dollars.

Erie.

The salary of the surrogate of the county of New York shall be the same as that of the judges of the court of common pleas of the city and county of New York.

New York.

§ 3. The salaries of the county judges who perform the duties of the office of surrogate are hereby fixed in the counties named, and at the sums stated, as follows:

Judges  
doing  
duties of  
surro-  
gates.

In the counties of Warren, Franklin, Schenectady, Wayne, Rockland and Lewis, two thousand dollars each.

Warren,  
Franklin,  
etc.

In the counties of Chenango, Madison, Delaware, Greene, Herkimer, Livingston, Montgomery, Chemung and Broome, three thousand dollars each.

Chenango,  
Madison,  
etc.

In the counties of Steuben and Richmond, three thousand five hundred dollars each.

Steuben  
and Rich-  
mond.

In the counties of Schoharie, Cortland, Sullivan, Genesee, Essex, Orleans, Tioga, Tompkins, Wyoming, Suffolk and Seneca, two thousand five hundred dollars each.

Sullivan,  
Genesee,  
etc.

In the county of Putnam, one thousand dollars. And in the counties of Yates and Schuyler, one thousand five hundred dollars each.

Putnam.  
Yates and  
Schuyler.

**Allegany.** In the county of Allegany, two thousand seven hundred and fifty dollars. In the county of Fulton, two thousand two hundred and fifty dollars.

**Hamilton.** In the county of Hamilton, eight hundred dollars.

**Salary of county judge in case office of surrogate is abolished.** Whenever in any county where there is now a separate county judge and surrogate, the supervisors shall decide to have but one officer to act as county judge and surrogate, the salary of such officer shall be five hundred dollars less than the aggregate salary herein allowed to the county judge and surrogate of such county.

**Payable quarterly by county treasurers.** § 4. The salaries of the several county judges and surrogates, as hereby established, shall be paid quarterly by the county treasurers of the respective counties.

**Additional compensation for expenses when holding court in any other county.** § 5. Whenever the county judge of one county shall hold the county court, or preside at the court of sessions of any other county, he shall be paid the sum of five dollars per day for his expenses in going to and from, and holding or presiding at any such court, which shall be paid by the county treasurer of such other county on the presentation to him of the certificate of the clerk of such court of the number of days.

**Chapter 467, Laws of 1870, repealed.** § 6. Section three of chapter four hundred and sixty-seven of the Laws of eighteen hundred and seventy is hereby repealed.

§ 7. This act shall take effect immediately.

## Chap. 768.

AN ACT in relation to the salary of the surrogate of the city and county of New York.

Passed May 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**Salary of surrogate to be paid by comptroller.** SECTION 1. The unpaid salary of the surrogate of the city and county of New York shall be paid to him by the comptroller of the said city and county, at the rate at which his salary is now established by law, and at which he was paid prior to the first day of September last; for the year eighteen hundred and seventy-one, out of the moneys provided by section two of chapter



nine of the Laws of eighteen hundred and seventy-two; and for the year eighteen hundred and seventy-two, out of the revenues of said city and county for that year.

§ 2. This act shall take effect immediately.

## Chap. 769.

AN ACT to release to Frederick Schleuter all the right, title and interest of the people of the State of New York in and to certain premises in the town of Northfield, in the county of Richmond, and to confirm the title to said premises.

Passed May 17, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the right, title and interest of the people of the State of New York in and to a certain farm of land which was conveyed to Frederick Schleuter, by William J. Bryan and wife, by deed dated April fifteenth, eighteen hundred and fifty-three, and recorded in the clerk's office of Richmond county, in liber thirty of deeds, page three hundred and fifty-two; May tenth, eighteen hundred and fifty-three, which said farm contains forty-three acres, more or less, and is situate in the town of Northfield, in said Richmond county; and also all the right, title and interest of said people of, in and to ten acres of salt meadow situated in said town and county, which was conveyed to said Frederick Schleuter by Elizabeth Swift and others, by deed dated December thirty-first, eighteen hundred and sixty-three, and recorded in said clerk's office in liber fifty-four of deeds, page three hundred and sixty-four, January twelfth, eighteen hundred and sixty-four, is hereby released to Frederick Schleuter, and the title to said premises is hereby confirmed and made as valid and effectual in him, his heirs and assigns, as though he, the said Frederick Schleuter, and his grantors or any of them, had been at all times during his or their

Interest of  
State re-  
leased.  
Descrip-  
tion.

possession thereof citizens of the United States and of the State of New York, and said Frederick Schleuter may, at any time hereafter, sell and convey said premises, and the title thereto shall be as good in all respects as though he, the said Frederick Schleuter, and his grantors had been at all the times aforesaid such citizens.

Not to  
impair  
vested  
rights.

§ 2. Nothing in this act contained shall be held to affect or impair the rights of any heir at law or devisee, or of any creditor or legal purchaser of said premises, or of any person holding a lien thereon by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

## Chap. 770.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one."

Passed May 20, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subdivision three of section twelve of an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one, as amended by chapter two hundred and ninety-seven of the Laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows:

Commis-  
sioners to  
have and  
exercise  
criminal  
jurisdic-  
tion of  
justices of  
the peace.

3. Such commissioners, severally shall have power to exercise, within the said city, the criminal jurisdiction of justices of the peace, and to enforce the laws of the State relating to the police thereof, and as such may be members of courts of special sessions in and for the county of Monroe, but shall have no jurisdiction in civil cases other than such as by this act shall be expressly conferred upon them. The said commissioners and their clerk shall also each have power to

Subpo-  
nas, how  
issued.

issue subpoenas, tested in the name of its president, to compel the attendance of witnesses upon any proceedings authorized by this act, and by said rules and regulations. Each commissioner of police, and the clerk of the board of police, is hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the board of police, or for the purposes of this act; and any willful and corrupt false swearing by any witness or person to any material fact in any necessary proceeding under the said rules and regulations of this act, shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; and in case any person subpoenaed under this section shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, the commissioners shall then have the same power to compel attendance and punish disobedience as justices of the peace in like cases; and said commissioners collectively shall constitute the board of police for said city, of which board the mayor shall be president, and shall have a casting vote, and any two of said commissioners shall form a quorum for the transaction of any business other than the appointment or dismissal of members of the police force, hereinafter otherwise directed; and such board may adopt rules and by-laws for the government thereof; and also may establish, promulgate and enforce proper rules, regulations and orders for the good government and discipline of the whole force, and cause a suitable number of copies thereof to be printed for the use of the department; provided, that such rules, regulations or orders shall not conflict with any of the provisions of this act, or with the Constitution or laws of this State or the United States.

Commissioners and clerk may administer oaths for purposes this act.

Willful and corrupt false swearing perjury.

Board of police.

Quorum.

Rules, regulations, etc.

§ 2. Section twelve of said act is hereby amended by adding the following subdivision:

12. The board of police commissioners shall have power to appoint a police clerk, who shall act as clerk of said board, and also as clerk of the police court, and

Police clerk.

shall be appointed in the same manner, shall hold his office by the same tenure as policemen, and the salary of said clerk shall be fixed by the board of police commissioners. It shall be the duty of such clerk, under the direction of the board of police commissioners, to keep in a book, or books, to be provided by said board, a full and careful record of all the rules, resolutions, orders and other proceedings of said board of police commissioners, and to perform such other clerical duties as shall be required by said board. He shall keep a docket or book, in which shall be entered a memorandum of all process issued by the police justice, and of all proceedings had under such process; of all sentences pronounced, and of all fines and penalties imposed by said justice. He shall also keep in a separate book an accurate account of all moneys which shall come to his hands from any source, as such police clerk, and of the disposition which shall be made thereof, as hereinafter provided.

Duties of.

Docket.

Account of money received and disbursed.

§ 3. Section twenty-six of said act is hereby amended so as to read as follows:

Certain officers to take official oath.

§ 26. Every person elected or appointed to the office of mayor, police justice, police clerk, alderman, constable, supervisor, treasurer or commissioner of common schools in the city of Rochester shall, before he enters on the duties of his office, and within five days after being notified of such election or appointment, take the oath of office prescribed by the Constitution of the State, before the city clerk, and file the same with him, and said police clerk shall also, within said five days, execute a bond to the city of Rochester in the penalty of five thousand dollars, with two sureties, to be approved by the mayor of said city, conditioned faithfully to perform the duties of police clerk, and to pay over the moneys, and to make the report hereinafter required, and file the same in the office of the clerk of said city.

Police clerk to give bond with sureties.

City clerk.

To act as a commissioner of deeds.

The city clerk shall, before he enters on the duties of his office, take the same oath, before some officer authorized to take affidavits to be read in courts of justice, and file the same in the office of the city clerk. The said city clerk is hereby authorized to administer all oaths and take affidavits and acknowledgments within said

city, and to receive the same fees that are allowed to commissioners of deeds for the same services.

§ 4. Sections sixty-six and sixty-seven of said act are hereby amended so as to read as follows:

§ 66. All the fines and penalties imposed by said police justice shall be paid to the police clerk, and all moneys that shall be paid to or received by him as such shall belong to the city of Rochester, and the police clerk shall report, on oath, to the said common council, at the first regular meeting thereof in each month, during the term for which he shall be appointed, the number and names of persons fined, and the names of persons against whom judgment shall have been rendered by said police justice for any penalty or penalties, with the dates and amounts of such fines and penalties respectively, and all moneys collected or received by him as such police clerk, for fines, or penalties or otherwise, and shall pay to the treasurer of said city in each and every week during the term for which the said police clerk shall be elected or appointed, or during which he shall hold said office, all moneys received by him which are hereinbefore declared to belong to said city; and any neglect to comply with the provisions of this section shall be good ground for the removal from office of said police clerk. The said police justice may be removed from office by the county court of Monroe county for official misconduct, neglect of, or unfaithful or insufficient performance of any of his duties on charges preferred by said common council, or by any one or more electors of the said city of Rochester; but notices of such charges against him, and an opportunity of being heard in his defense, shall first be given in such manner as said court, or the judge thereof, shall direct.

Fines and penalties to be paid to police clerk and amount to be reported to common council monthly.

To be paid to city treasurer weekly.

Police justice may be removed for cause by county court.

Books and dockets of police clerk to be open to inspection.

§ 67. All dockets and other books kept by said police clerk shall at all times be subject to the inspection and examination of the city attorney, the common council or any member thereof, or of the board of police, and it shall be the duty of said clerk to produce such docket or books whenever and wherever the common council or board of police shall direct; and if he shall neglect or refuse to produce such docket or books as required, the county judge of Monroe county may, on application to

him for that purpose, make an order requiring the same to be produced, and enforce obedience thereto, and punish disobedience thereof, in the same manner in which obedience to other orders made by him is enforced, or disobedience thereof punished.

§ 5. This act shall take effect immediately.

## Chap. 771.

AN ACT to amend the several acts in relation to the city of Rochester.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section forty of the act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one, is hereby amended by adding thereto the following:

But the common council shall have no power to continue the erection of a city hall in said city, already commenced by it, nor to erect or furnish any city hall or other public building in said city, except school-houses and engine-houses.

§ 2. Section forty-eight of said act, as amended in eighteen hundred and seventy-one, is hereby amended so as to read as follows:

§ 48. On the last Tuesday in the month of March, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditures made by the common council; the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expense; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount

Common council to erect no building except school and engine houses.

Accounts of city officers when to be audited by common council.

Financial statement.

of assessments for opening, paving, repairing and altering streets, and for repairing and building bridges; the amount borrowed on the credit of the corporation, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city, which statement shall be signed by the mayor and clerk, and filed with the clerk of the city, and the same shall be published by the clerk, at the expense of the city, in the newspapers thereof in which the proceedings of the common council are published. The common council shall at its first regular meeting (after the passage of this act, and at its first regular meeting) in each year thereafter, designate and select two and no more of the daily newspapers published in said city, for the publication of the proceedings, resolutions and ordinances of the common council, the commissioners of public works of said city, and all the notices and advertisements and proceedings of any of the officers of said city, and of all the committees of the common council, during the current fiscal year. Such papers shall be the two papers having the largest daily circulation, which circulation shall be determined by their subscription list respectively for three months prior to such designation; to be verified by the oath of one or more of the publishers of such papers.

To be signed by mayor and clerk and published.

Official newspapers.

§ 3. Section sixty-two of said act is hereby amended so as to read as follows: In case of the absence or inability of the mayor to act as such, or in case his office shall become vacant by death, resignation or otherwise, the president of the common council shall possess all the powers and perform all the duties of mayor during such absence or inability, or during the remainder of his term of office in case of a vacancy therein.

President of common council, when to act as mayor.

§ 4. Section one hundred and twenty-eight of said act, as amended by chapter one hundred and thirty-two of the Laws of eighteen hundred and sixty-two, and by chapter one hundred and twenty-one of the Laws of eighteen hundred and sixty-three, is hereby amended so as to read as follows:

§ 128. Immediately after receiving such rolls and warrants, the county treasurer shall give public notice by advertisement in all the daily newspapers printed in

County treasurer to publish notice to tax-payers

to pay  
taxes.

the city of Rochester, that all persons named in said rolls are required to pay their taxes to him at his office on or before the fifteenth of February then next, and stating the amount to be added if payment shall be delayed. The said county treasurer shall receive the amount of any tax levied on said assessment rolls during the month of December, and up to the fifteenth day of January then next, without any addition thereto. If the same shall be paid after the fifteenth day of January and before the first day of February next succeeding the levying of said tax, he shall charge and receive an addition of one per cent.; if paid on or after the first day of February, and before the fifteenth day of February then next, an addition of two per cent.; if paid after the fifteenth day of February then next, and before the first day of March, an addition of three per cent.; if paid after the first day of March, and before the fifteenth day of March then next, an addition of four per cent.; if paid after the fifteenth day of March, and before the first day of April then next, and addition of five per cent. and collectors' fees.

Percent-  
age.

Money re-  
ceived for  
sale of city  
hall, how  
disposed  
of.

§ 5. Section one hundred and nineteen of said act is hereby amended by adding thereto the following : All money or property which has been or shall be received by the said city from the board of supervisors of Monroe county, for the sale of the interest of said city in the city hall heretofore erected by said city in conjunction with the board of supervisors aforesaid, shall be appropriated by the common council to the payment of the existing indebtedness of said city incurred for the erection of said city hall, and the balance, if any, shall be appropriated to the payment of the contingent expenses of said city, and to no other use or purpose whatever.

§ 6. Section one hundred and fifty-five of said act is hereby amended so as to read as follows:

The com-  
missioners  
of public  
works of  
the city of  
Roches-  
ter, term  
of office,  
etc.

§ 155. The mayor of said city shall, within ten days after the passage of this act, appoint, in writing, five electors and tax payers of said city, who shall constitute "The Commissioners of Public Works of the city of Rochester." They shall be appointed for one, two, three, four and five years respectively. Each of said



commissioners shall, within five days after receiving written notice of his appointment, notify the mayor in writing of his acceptance thereof, and failure to give such notice shall be deemed a refusal to accept. The term of office of said commissioners having the shortest time to serve and shall expire at noon on the last day of May, eighteen hundred and seventy-three. The term of office of commissioners hereby created shall be deemed to commence on the first day of June and to end on the last day of May, and to continue for five years, and until their successors are duly appointed and qualified. The mayor shall, within twenty days before the expiration of the term of office of any commissioner, appoint, in writing, his successor. Whenever a vacancy in the office of any of said commissioners shall occur by death, inability to act, removal from the city or removal from office, the same shall be filled by the mayor in the same manner as hereinbefore provided. In case of the death or neglect of the mayor who shall have been chosen by the electors of said city to make any such appointment, the same shall be made by the president of the common council, and in the same manner. The said commissioners, before entering upon the duties of their office, shall take and file in the office of the city clerk the same oath of office as is now required of other city officers. They may each be removed from office by the mayor for official misconduct, or for the unfaithful or insufficient discharge of the duties of such office. But five days' notice in writing of the charges preferred shall be given to the commissioners so proceeded against and an opportunity of being heard in his defense shall be afforded. Each of said commissioners shall receive a salary of seven dollars for each day upon which he shall be actually engaged in the performance of his duties, to be paid by the city treasurer upon the certificate of said commissioners duly verified, to be paid on the first day of each month. The necessary disbursements and expenses of said commissioners in the discharge of the duties of their office shall be in like manner certified to, and paid by the said treasurer. It is hereby made the duty of the common council to raise annually, in the same manner and at the same time

Vacancies, how filled.

Official oath.

May be removed for misconduct.

Salary.

Common council to raise

amount to  
pay same.

with the other general taxes of said city, an amount sufficient to pay the aforesaid salaries, disbursements, and expenses of said commissioners. Such salaries, disbursements and expenses for the year ending June first, eighteen hundred and seventy-three, shall be paid from the funds raised and to be raised for the construction, improvement, and repair, and cleaning of streets, alleys, avenues, bridges and sewers, and for the general contingent expenses of said city during said year, under the existing provisions of said act, and if the same shall be insufficient the city treasurer, with the approval of the mayor, is directed to borrow, upon the faith and credit of said city, a sum sufficient therefor.

Statement  
of funds  
required  
to be pre-  
sented by  
commis-  
sioners to  
common  
council.

On or before the first day of June in each year hereafter, said commissioners shall present to the common council a statement of the funds which they deem will be needed by them for the current fiscal year in the discharge of the duties of their office, specifying in detail the purposes for which they are to be used. It is hereby made the duty of said common council to raise annually, in the same manner and with the other general taxes of said city, the amount so reported as necessary by said commissioners. Said commissioners shall

Common  
council to  
raise  
amount.

Commis-  
sioners to  
elect a  
chairman  
and em-  
ploy a  
clerk.

elect one of their number chairman, and may employ a clerk and said other agents, as they shall deem necessary, whose compensation shall be fixed by said commissioners, and paid by the city treasurer upon their certificate duly verified, in the same manner as other expenses of said commissioners. They shall meet at such times and place as they may designate, and a majority shall constitute a quorum for the transaction of business, and shall have power to do all acts hereby authorized, except as herein otherwise provided. They shall keep a record of their proceedings, and of their receipts and expenditures, which shall be at all times open for inspection by any of the officers or tax payers of said city. The said commissioners shall be commissioners of highways for said city, and shall have the exclusive care, superintendence and control of all the streets, avenues, walks, bridges, lanes, alleys, parks, public squares, areas, and places in said city, except the bridges therein owned by the State of New York, for the repair

Meetings.

Record of  
proceed-  
ings.

To be  
commis-  
sioners of  
highways.

of which, or for any damages in any way arising from which, the said city shall not be liable. The said commissioners shall possess and exercise the same powers and authority, and perform the same duties, and in the same manner as near as may be, as are now possessed, exercised and performed by the common council of said city, as authorized and prescribed by title seven of this act as amended, except as herein otherwise directed.

General powers and authority.

§ 7. Section one hundred and sixty-four of said act is hereby amended so as to read as follows:

Proceedings on opening streets, etc.

§ 164. The said commissioners of public works shall not proceed to open, widen, or improve streets, lanes, alleys, sidewalks, crosswalks, nor to make any other improvement, the expense whereof is to be defrayed in whole or in part by a local assessment, until first requested by a petition signed by a majority of the owners of property liable to be assessed for said improvement; or unless at least four of said commissioners shall concur in determining to make said improvement, after allegations shall have been heard from the persons to be assessed therefor; in which case, no petition or request shall be necessary. Such owners shall have the right to designate the kind of improvement they prefer, and said commissioners of public works shall adopt and carry out such method of improvement. But no improvement which shall be subject to a royalty to the inventor, patentee, or assignee of a patent therefor, shall be adopted, unless upon the petition of two-thirds of all the owners to be assessed therefor, who shall be residents of said city.

§ 8. Section one hundred and sixty-five of said act, as amended by chapter five hundred and fifty-three of the Laws of eighteen hundred and sixty-five, is hereby amended by adding thereto the following: The said commissioners of public works are hereby directed to cause a notice to be published in the official newspapers of said city for at least ten days before the letting of any contract, for sealed proposals therefor, to be accompanied by the bond of the person or persons who shall execute such proposals, which shall also be signed by two or more sureties, and shall bind the obligor therein to perform the work mentioned in such proposals, and

To advertise for proposals.

Contract  
to be let.

to fulfill any contract that may be made therefor by said commissioners of public works. Upon the day named in said notice, or upon such other day as the said commissioners may adjourn to, the said commissioners may let the said contract; as they shall deem for the best interest of the tax-payers, and neither the principal nor the sureties upon any proposal or bond shall be permitted to withdraw or cancel the same, or be released therefrom, until said commissioners shall have let said contract, and the same shall have been duly executed on behalf of said commissioners and such contractor. No assessment for a local improvement shall be made for an amount greater than the amount of the contract therefor, or the amount of the expense estimated by such commissioners as herein provided.

§ 9. Section one hundred and ninety-one of said act, as amended by chapter seven hundred and eighteen of the Laws of eighteen hundred and seventy, is hereby amended by striking out therefrom the following words: "The costs and expenses of making the plans and assessments and other expenses incidental thereto, shall be included in the estimated expense of the improvements."

Evidence,  
objec-  
tions, etc,  
to be re-  
duced to  
writing  
and filed.

§ 10. Section one hundred and ninety-eight of said act, as amended by chapter five hundred and fifty-seven of the Laws of eighteen hundred and seventy-one, is hereby amended by adding thereto the following: All evidence, objections and proceedings had and taken before said commissioners of public works, or said common council, shall be reduced to writing, and within five days thereafter shall be filed with the clerk of said city. Any person considering himself aggrieved by any such assessment may appeal to the common council, who shall proceed to correct or confirm the said assessment.

Expenses  
of im-  
prove-  
ments,  
how  
assessed.

§ 11. The city assessors shall assess the amount of the expenses of any improvement ordered by said commissioners of public works, in the same manner, and report the assessment roll so made by them to said commissioners in the same manner, and the same proceedings shall be taken by said assessors and said commissioners as is provided in sections one hundred ninety-three, one hundred ninety-four, one hundred ninety five, one hun-

dred ninety-six, one hundred ninety-seven, one hundred ninety-eight and one hundred ninety-nine of said act, and of the amendments thereto subsequently made, for said assessors, and the common council of said city to take.

§ 12. The city treasurer shall take the same proceedings to collect any such assessment so ordered by said commissioners of public works, and so made by said assessors, as he is now authorized and directed to do by said act, and the amendments thereof now in force. And he shall make such payments from the money collected by him upon any local assessment as shall be directed and ordered by said commissioners.

How collected.

§ 13. The said commissioners of public works shall have the same authority, and it is hereby made their duty, to take the same proceedings for the correction of erroneous assessments and the collection thereof, as is now prescribed for the common council in said title seven of said act. Whenever the words "common council" occur in said title seven as now existing, they shall be deemed to mean "the commissioners of public works of the city of Rochester."

Correction of erroneous assessments.

§ 14. No one or more of said commissioners, nor any clerk or agent of said commissioners shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is to be paid from the city treasury, or by means of any assessment levied by any act or ordinance or resolution of said commissioners, or of said common council, nor in the purchase of any property for, or on account of the city, or which shall be sold by or on behalf of said city. All contracts, sales or purchases in which any such commissioner, clerk or agent shall be directly or indirectly interested shall be deemed forfeited as to any interest of any such commissioner, or person, and any commissioner or person who shall knowingly violate any of the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the Monroe county penitentiary not exceeding one year, or by both such fine and imprisonment.

Commissioners, nor any clerk or agent to be interested in any contract, etc.

Penalty for violation of this section.

Commissioners not to incur debts beyond amount reported to common council.

Surveyor and attorney to perform such duties as required by commissioners.

Superintendent of streets abolished.

Commissioners to assume exclusive control of improvements and works.

Authority of common council over same to cease.

Proceedings of common council in relation to Lake avenue confirmed.

Railroad track may be relaid.

§ 15. The said commissioners shall not contract or incur any debt or liability on behalf of said city in any year, beyond the amount so estimated and reported by them to the common council as needed by them for the current year, as hereinbefore provided, except during the present fiscal year.

§ 16. The city surveyor and city attorney shall perform such duties for said commissioners as they may require, as it is now the duty of said officers respectively to perform under the direction or at the request of the common council, or any committee thereof, without compensation beyond their salaries as now provided by law.

§ 17. The office of superintendent of streets and of commissioners for certain avenues in said city is hereby abolished.

§ 18. When the said commissioners shall be appointed and qualified, they shall immediately assume the exclusive control of all such matters, improvements and works as are mentioned in said title seven of said act and the amendments thereof now in force, as have been ordered or commenced by said common council, and of the cleaning and repairing of streets and avenues in said city, except where contracts therefor have been already let.

§ 19. Upon the taking effect of this act, all the authority of the common council over the subject-matters embraced in the preceding section of this act shall cease and determine, except as herein otherwise provided. But this act shall not destroy or impair any vested rights or contracts.

§ 20. The proceedings of the common council of said city heretofore had in relation to the improvement of Lake avenue with the McAdam improvement, and also the assessment roll heretofore made by the city assessors therefor, are hereby confirmed in all respects. The street railroad track at present running through the center of said avenue, may, under the direction of said common council, be relaid on each side of said avenue, and outside of the improvement aforesaid, from the north line of McCracken street southward so far as

said improvement extends, and then southward in corresponding lines to the north side of Lyell street.

§ 21. The act entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," passed April twelfth, eighteen hundred and seventy-two, is hereby amended by adding thereto the following:

All acts and parts of acts inconsistent with this act are hereby repealed. All power of the common council of the said city, if any, over the erection of a city hall therein, shall cease and determine immediately.

Act of 1872  
amended  
so as to  
prevent  
erection of  
city hall.

§ 22. The board of water commissioners appointed under the act entitled "An act to supply the city of Rochester with pure and wholesome water," passed April twenty-seventh, eighteen hundred and seventy-two, are hereby authorized to acquire by purchase, for and in behalf of the city of Rochester, the title to any lands, waters, lakes, springs, ponds or streams, or any easement in or right of temporary occupation of such lands, waters, lakes, springs, ponds or streams which may be necessary for the purposes for which said commissioners are appointed.

Board of  
water  
commis-  
sioners  
may  
acquire  
title to  
lands,  
etc.

§ 23. In case the said commissioners are unable to obtain by purchase the title to the necessary lands, waters, etcetera, or such rights therein as may be required they shall be and hereby are authorized to proceed to acquire such title or other rights in and to such lands, waters, etcetera, in the manner prescribed in and by the act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty; and for that purpose all the provisions of the last mentioned act, and of the acts amendatory thereof, are hereby made applicable to proceedings under this act and the act hereby amended.

Title, how  
acquired.

§ 24. The said water commissioners are hereby authorized to enter upon any public street, highway, road, public square, bridge or railroad in any of the villages or towns adjoining or in the vicinity of the said city, through, under or across which it may be found necessary or proper to conduct the water from any river, lake, spring, pond or stream of water, for the purpose of conveying it to said city, and to lay, construct, alter

May enter  
upon any  
street,  
square,  
etc., in  
any vil-  
lage or  
town in  
vicinity  
of the city  
and lay  
pipes,  
conduits,  
etc.

Proviso as to consents to be obtained.

May contract with village trustees to supply village with water.

replace or repair any pipes, conduits, aqueducts, or other works necessary for that purpose, leaving said street, highway, road, public square, bridge or railroad, in the same condition, as nearly as may be, as they were before the said entry; provided, however, that before interfering with any street, structure or other right of any incorporated village or railroad company, it shall be necessary to obtain the consent of the trustees of such village or directors of such railroad company, or in case such consent cannot be obtained, then to proceed to acquire the necessary rights in the same manner as the title to rights in other lands are acquired; and the said commissioners may contract with the trustees of any village through which such pipes, etc., may be laid, to supply such village with water; and in case such contract shall be in any instance made, the village authorities are hereby authorized to levy and collect the expense thereof annually, with their annual tax for other purposes, upon the property liable to taxation in said village.

Compensation of water commissioners.

§ 25. The said water commissioners shall severally receive the sum of five dollars per diem besides their reasonable expenses, for the time employed by them respectively as such commissioners, not exceeding, however, to each commissioner the sum of one thousand dollars in any one year.

Amount of city bonds to be issued.

§ 26. The amount of the bonds of said city of Rochester, to be issued under the provisions of this act, shall not exceed the sum of three millions of dollars.

Penalty for either commissioners, clerk, etc., to be in any manner interested in furnishing supplies, etc.

§ 27. It shall be a misdemeanor punishable by fine or imprisonment for either of said commissioners or any clerk, engineer or superintendent appointed by them to be in any manner or way interested, directly or indirectly, in furnishing any materials, supplies, or labor for the erection of said water-works or in any contract which said commissioners are empowered to make by this act, and every purchase or contract in which any such person is interested shall be deemed forfeited as to any interest of any such person.

Chapter 143, Laws of 1861, as amended by chap.

§ 28. Section eighty-five of chapter one hundred and forty-three of the Laws of eighteen hundred and sixty-one, as amended by chapter seven hundred and thirty-



eight of the Laws of eighteen hundred and sixty-eight, is hereby amended by striking out therefrom the words "three thousand three hundred," and inserting in place thereof the words "two thousand seven hundred." Also by striking out therefrom "the Erie canal to Mt. Hope cemetery entrance," and the words "South avenue from the Erie canal to the city line," where they occur; also, by striking therefrom all after the words "from the railroad to Scranton street" and before the words "the common council shall annually," and in place thereof insert the following :

For 738,  
Laws of  
1868, fur-  
ther  
amended.

"But no more than three hundred dollars for each of said streets or avenues shall be raised in any one year, also a further sum not exceeding fifteen hundred dollars for the purpose of cleaning and keeping in repair North St. Paul street, from Scranton street to the city line, Mount Hope avenue, from the Erie canal to Mount Hope cemetery entrance, and South avenue, from the Erie canal to the city line, but no more than five hundred dollars for each of said streets or avenues shall be raised in any one year."

§ 29. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 30. This act shall take effect immediately.

## Chap. 772.

AN ACT to authorize the Canal Commissioners to construct a road-bridge over the Erie canal in the town of Gates, in the county of Monroe.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Canal Commissioners are hereby authorized and required to construct, or cause to be constructed and maintained, at the expense of the State, over the Erie canal, in the town of Gates, in the county of Monroe, at a point where said canal is intersected by Emmerson street, in said town, a road-bridge, in such manner as they may deem advisable, and the expense

Bridge  
over canal,  
in Gates.

Of fire  
depart-  
ment.

When  
held.

Inspect-  
ors.

Returns to  
be made  
to board  
of trust-  
ees.

Result to  
be certi-  
fied to  
trustees of  
village.

Term of  
office.

By-laws,  
etc.

Treasurer  
to give  
security.

Monday in January next, and shall, on the first Wednesday after the first Monday in each year thereafter, choose out of their own body, by ballot, a president, vice-president and secretary, the said secretary to be secretary of the department. The said companies shall also, on the second Tuesday in August next, and on the second Tuesday in August in each year thereafter, hold an election, and thereat elect a chief engineer, first assistant engineer, second assistant engineer and treasurer. The said elections shall be held by each company separately, and at their respective engine-houses (unless it shall be necessary to hold the same at different places, in which case the same shall be held at such places as the said board shall direct). The said board shall appoint from its members three inspectors of the first election of each of said companies under this act, who shall act as such inspectors, and thereafter the three persons elected by said companies respectively as their respective trustees shall be the inspectors of all elections by their respective companies. The inspectors shall bring the returns of each election before the board of trustees aforesaid, at their first regular meeting after such election, and the said board shall meet within three days after such election, and examine into and decide the result thereof. And the said board shall, by their president or otherwise, as the board shall direct, make known to the trustees of the village aforesaid the result of each election for the offices of chief and assistant engineers, within three days after the same shall have been decided by them. All of the officers aforesaid shall hold their respective offices until the next election, and until their successors shall be chosen as aforesaid.

§ 4. The said trustees shall have power to make such by-laws, rules and regulations, from time to time, as they may deem expedient and proper, not inconsistent with the charter of said village and the Constitution of this State, and may be convened by the president, or as may be provided by said laws, rules and regulations. The treasurer shall give security to said board of trustees for the faithful performance of his duties, and at every annual meeting, or oftener if re-

quired by the trustees, shall render to them a true account of the property of the department and of his action as treasurer. The said trustees shall have power to remove any of the officers of the said board of trustees after three days' previous notice in writing of the charges preferred, and elect others in their stead. A majority of the trustees shall constitute a quorum for the transaction of business. The board of trustees shall fill from its members all vacancies which may occur in the office of said board until the next election after the occurrence of such vacancies, and may, by its president or otherwise, as the said board shall direct, call special elections to fill vacancies in any of the offices in this act mentioned. Notice of the time of all elections under this act shall be given by the secretary at least five days before the time thereof, in at least one of the newspapers of said village.

Trustees may remove officers of board of trustees for cause. Quorum.

Vacancies.

Notice of elections.

§ 5. The board of trustees shall apply the funds of said corporation which shall arise from chimney fines, certificates of membership, money paid by insurance companies in pursuance of law, fire warden's fines, penalties recovered for violation of village fire ordinances and donations, or such part of said funds or the income thereof as they shall deem proper, to the relief of indigent and disabled firemen or their families, and also to defray such contingent expenses as may be necessary in the transaction of the business of said board of trustees.

Funds, how applied.

§ 6. The fire companies aforesaid shall consist of at least thirty persons each and the members of any of said companies which shall not contain that number shall not be members of this corporation, except that if any company shall be reduced below said number the same shall not be disbanded nor forfeit any of its rights or privileges under this act, provided its said full membership shall be filled within thirty days after said company shall be required so to do by said board of trustees.

Fire companies.

§ 7. Each of said fire companies shall have the right to pass by-laws for its own government not inconsistent with the by-laws, rules and regulations established by

By-laws.

Of fire  
depart-  
ment.

When  
held.

Inspect-  
ors.

Returns to  
be made  
to board  
of trust-  
ees.

Result to  
be certi-  
fied to  
trustees of  
village.

Term of  
office.

By-laws,  
etc.

Treasurer  
to give  
security.

Monday in January next, and shall, on the first Wednesday after the first Monday in each year thereafter, choose out of their own body, by ballot, a president, vice-president and secretary, the said secretary to be secretary of the department. The said companies shall also, on the second Tuesday in August next, and on the second Tuesday in August in each year thereafter, hold an election, and thereat elect a chief engineer, first assistant engineer, second assistant engineer and treasurer. The said elections shall be held by each company separately, and at their respective engine-houses (unless it shall be necessary to hold the same at different places, in which case the same shall be held at such places as the said board shall direct). The said board shall appoint from its members three inspectors of the first election of each of said companies under this act, who shall act as such inspectors, and thereafter the three persons elected by said companies respectively as their respective trustees shall be the inspectors of all elections by their respective companies. The inspectors shall bring the returns of each election before the board of trustees aforesaid, at their first regular meeting after such election, and the said board shall meet within three days after such election, and examine into and decide the result thereof. And the said board shall, by their president or otherwise, as the board shall direct, make known to the trustees of the village aforesaid the result of each election for the offices of chief and assistant engineers, within three days after the same shall have been decided by them. All of the officers aforesaid shall hold their respective offices until the next election, and until their successors shall be chosen as aforesaid.

§ 4. The said trustees shall have power to make such by-laws, rules and regulations, from time to time, as they may deem expedient and proper, not inconsistent with the charter of said village and the Constitution of this State, and may be convened by the president, or as may be provided by said laws, rules and regulations. The treasurer shall give security to said board of trustees for the faithful performance of his duties, and at every annual meeting, or oftener if re-

quired by the trustees, shall render to them a true account of the property of the department and of his action as treasurer. The said trustees shall have power to remove any of the officers of the said board of trustees after three days' previous notice in writing of the charges preferred, and elect others in their stead. A majority of the trustees shall constitute a quorum for the transaction of business. The board of trustees shall fill from its members all vacancies which may occur in the office of said board until the next election after the occurrence of such vacancies, and may, by its president or otherwise, as the said board shall direct, call special elections to fill vacancies in any of the offices in this act mentioned. Notice of the time of all elections under this act shall be given by the secretary at least five days before the time thereof, in at least one of the newspapers of said village.

Trustees may remove officers of board of trustees for cause. Quorum.

Vacancies.

Notice of elections.

§ 5. The board of trustees shall apply the funds of said corporation which shall arise from chimney fines, certificates of membership, money paid by insurance companies in pursuance of law, fire warden's fines, penalties recovered for violation of village fire ordinances and donations, or such part of said funds or the income thereof as they shall deem proper, to the relief of indigent and disabled firemen or their families, and also to defray such contingent expenses as may be necessary in the transaction of the business of said board of trustees.

Funds, how applied.

§ 6. The fire companies aforesaid shall consist of at least thirty persons each and the members of any of said companies which shall not contain that number shall not be members of this corporation, except that if any company shall be reduced below said number the same shall not be disbanded nor forfeit any of its rights or privileges under this act, provided its said full membership shall be filled within thirty days after said company shall be required so to do by said board of trustees.

Fire companies.

§ 7. Each of said fire companies shall have the right to pass by-laws for its own government not inconsistent with the by-laws, rules and regulations established by

By-laws.

the said board of trustees or the charter of said village and the laws of this State.

General  
powers.

§ 8. The said fire department shall possess the general powers of a corporation as defined and limited in title three of the eighteenth chapter of part first of the Revised Statutes of this State, and shall be subject to the provisions of such chapter so far as they may be applicable to said department and the organization thereof, and so far as the same are not inconsistent with this act.

Fines, etc.

§ 9. The said board of trustees shall have power to impose reasonable fines and penalties for violation by members of said corporation of the by-laws, rules and regulations of said board, and to sue, in the corporate name, for the recovery of such penalties.

Moneys  
paid to  
treasury  
of said  
village for  
the pur-  
poses of  
the fire  
depart-  
ment to  
be paid to  
the trea-  
surer of  
this cor-  
poration.

§ 10. All moneys which by law now are or hereafter may be directed to be paid to the treasury of said village for the purposes of said fire department, and which now are or may hereafter by law be directed to be paid to the treasury of said village for the purposes of said fire department, and which now are or may hereafter by law be directed to be paid by an insurance company or other companies or persons as applied or recovered for the purposes of the fire department of said village, shall be payable to the treasurer of said corporation.

§ 11. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 12. This act shall take effect immediately.

## Chap. 775.

**AN ACT** to release the interest of the people of the State of New York in certain real estate to Alicia C. O'Brien.

Passed May 20, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Interest of  
State re-  
leased.

**SECTION 1.** All the estate, right, title and interest of the people of the State of New York in and to all lands

in the city of New York and elsewhere in the State of New York, of which Cornelius Heney died seized and possessed, and to which the said people acquired title on the death of said Heney without heirs, except such as were disqualified from taking title to real estate by reason of alienage, is hereby granted and released to Alicia C. O'Brien, the heir at law of a deceased brother of said Heney; and the title thereto is hereby confirmed in her, the same in all respects as though at the time of the death of said Heney she had been a citizen of the United States.

§ 2. Nothing herein contained shall be so construed as to impair, release or discharge the right, claim or interest of any purchaser, heir at law, or any creditor by mortgage, judgment or otherwise in said real estate.

Not to impair vested rights.

§ 3. This act shall take effect immediately.

## Chap. 776.

AN ACT further to amend an act entitled "An act to amend an act to prevent animals from running at large in the public highways," passed April twenty-third, eighteen hundred and sixty-two, passed May ninth, eighteen hundred and sixty-seven, passed April twenty-ninth, eighteen hundred and sixty-nine.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "An act to amend an act to prevent animals from running at large in the public highways," passed April twenty-third, eighteen hundred and sixty-two, and to create a short bar to actions arising under said act, passed May ninth, eighteen hundred and sixty-seven, as amended April twenty-ninth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 1. It shall not be lawful for any cattle, horses, sheep, swine or goats to run at large or to be herded or pastured in any public street, park, place or highway in

Cattle, etc., not to run at large in highway.

Commissioners not to incur debts beyond amount reported to common council.

Surveyor and attorney to perform such duties as required by commissioners.

Superintendent of streets abolished.

Commissioners to assume exclusive control of improvements and works.

Authority of common council over same to cease.

Proceedings of common council in relation to Lake avenue confirmed.

Railroad track may be relaid.

§ 15. The said commissioners shall not contract or incur any debt or liability on behalf of said city in any year, beyond the amount so estimated and reported by them to the common council as needed by them for the current year, as hereinbefore provided, except during the present fiscal year.

§ 16. The city surveyor and city attorney shall perform such duties for said commissioners as they may require, as it is now the duty of said officers respectively to perform under the direction or at the request of the common council, or any committee thereof, without compensation beyond their salaries as now provided by law.

§ 17. The office of superintendent of streets and of commissioners for certain avenues in said city is hereby abolished.

§ 18. When the said commissioners shall be appointed and qualified, they shall immediately assume the exclusive control of all such matters, improvements and works as are mentioned in said title seven of said act and the amendments thereof now in force, as have been ordered or commenced by said common council, and of the cleaning and repairing of streets and avenues in said city, except where contracts therefor have been already let.

§ 19. Upon the taking effect of this act, all the authority of the common council over the subject-matters embraced in the preceding section of this act shall cease and determine, except as herein otherwise provided. But this act shall not destroy or impair any vested rights or contracts.

§ 20. The proceedings of the common council of said city heretofore had in relation to the improvement of Lake avenue with the McAdam improvement, and also the assessment roll heretofore made by the city assessors therefor, are hereby confirmed in all respects. The street railroad track at present running through the center of said avenue, may, under the direction of said common council, be relaid on each side of said avenue, and outside of the improvement aforesaid, from the north line of McCracken street southward so far as



said improvement extends, and then southward in corresponding lines to the north side of Lyell street.

§ 21. The act entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," passed April twelfth, eighteen hundred and seventy-two, is hereby amended by adding thereto the following:

All acts and parts of acts inconsistent with this act are hereby repealed. All power of the common council of the said city, if any, over the erection of a city hall therein, shall cease and determine immediately.

Act of 1872 amended so as to prevent erection of city hall.

§ 22. The board of water commissioners appointed under the act entitled "An act to supply the city of Rochester with pure and wholesome water," passed April twenty-seventh, eighteen hundred and seventy-two, are hereby authorized to acquire by purchase, for and in behalf of the city of Rochester, the title to any lands, waters, lakes, springs, ponds or streams, or any easement in or right of temporary occupation of such lands, waters, lakes, springs, ponds or streams which may be necessary for the purposes for which said commissioners are appointed.

Board of water commissioners may acquire title to lands, etc.

§ 23. In case the said commissioners are unable to obtain by purchase the title to the necessary lands, waters, etcetera, or such rights therein as may be required they shall be and hereby are authorized to proceed to acquire such title or other rights in and to such lands, waters, etcetera, in the manner prescribed in and by the act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty; and for that purpose all the provisions of the last mentioned act, and of the acts amendatory thereof, are hereby made applicable to proceedings under this act and the act hereby amended.

Title, how acquired.

§ 24. The said water commissioners are hereby authorized to enter upon any public street, highway, road, public square, bridge or railroad in any of the villages or towns adjoining or in the vicinity of the said city, through, under or across which it may be found necessary or proper to conduct the water from any river, lake, spring, pond or stream of water, for the purpose of conveying it to said city, and to lay, construct, alter

May enter upon any street, square, etc., in any village or town in vicinity of the city and lay pipes, conduits, etc.

## Chap. 781.

AN ACT to amend an act entitled "An act for the removal of obstructions from the outlet of Cayuga lake and the channel of the Seneca river," passed April thirteenth, eighteen hundred and fifty-eight, and the several acts amendatory thereof, being chapter four hundred and sixty-five of the Laws of eighteen hundred and sixty-two, and chapter three hundred and four of the Laws of eighteen hundred and sixty-eight.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Appropriation of \$20,000, and re-appropriation of \$20,000.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, in addition to the sum of thirty thousand dollars appropriated by chapter three hundred and four of the Laws of eighteen hundred and sixty-eight, which latter sum is hereby re-appropriated for the purpose specified in chapter one hundred and seventy-nine of the Laws of eighteen hundred and fifty-eight. The sum hereby appropriated shall be paid out of any funds appropriated or to be appropriated for extraordinary repairs on the middle division.

How to be applied.

§ 2. Said sum or so much thereof as may be necessary, shall be applied, under the direction of the Canal Commissioner in charge, to the purpose specified in chapter one hundred and seventy-nine of the Laws of eighteen hundred and fifty-eight, as amended by chapter four hundred and sixty-five of the Laws of eighteen hundred and sixty-two, and to no other purpose whatever.

§ 3. This act shall take effect immediately.

## Chap. 782.

AN Act to amend section one hundred and fifty-six of article four of chapter three of title two of part four of the Revised Statutes, in relation to bodies of deceased convicts at Auburn State Prison.

Passed May 20, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one hundred and fifty-six of article four of chapter three of title two of part four of the Revised Statutes is hereby amended so as to read as follows:

§ 156. It shall in like manner be the duty of the warden of the Auburn State Prison, whenever a convict shall die in that prison, whose body shall not be taken away for interment by his relatives or friends within twenty-four hours after his death, to deliver, on demand, such dead body to the agent of the medical faculty of the University of Buffalo, or to the agent of the college of physicians and surgeons of the Syracuse University, so that one-half of the number of such dead bodies shall be delivered to each institution.

Dead  
bodies of  
convicts at  
Auburn  
prison  
how dis-  
posed of.

§ 2. This act shall take effect immediately.

## Chap. 783.

AN ACT to authorize the Canal Commissioners to construct a road-bridge over the Tonawanda creek, western division of the Erie canal, at or near Bush's place, connecting the Bush road with Sawyer's creek road at Martinsville.

Passed May 20, 1872 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Canal Commissioners are hereby authorized and directed, to construct or cause to be con-

Bridge  
over  
Tona-

wanda  
creek.

Proviso.

Release of  
damages.

structed and maintained, at the expense of the State, over Tonawanda creek, western division of the Erie canal at or near Bush's place, a road-bridge in such manner as they may deem advisable, at a cost not to exceed sixteen thousand dollars, and the expense of the same may be paid from any money appropriated for the extraordinary repairs of the Erie canal; provided, that before proceeding to the construction of any such bridge, the Canal Commissioners shall require and receive a full and sufficient release, legally executed and acknowledged and delivered free of expense to the State, of all claims for damages in consequence of the construction of said bridge, or of the approaches and embankments of the same; and also a good and sufficient license or permission to the State, duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the Canal Commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments.

§ 2. This act shall take effect immediately.

## Chap. 784.

AN ACT to provide for the care and maintenance, by the Canal Commissioners, of certain bridges over a portion of the Black river used for canal purposes.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Bridges  
over  
Black  
river.

Release of  
damages.

SECTION 1. The Canal Commissioners are hereby authorized and directed to maintain and protect the bridge across Black river, between the towns of Lowville and New Bremen, known as the Illingworth bridge; also the bridge between the towns of Lowville and Watson, known as Beach's bridge; that before proceeding to maintain or protect said bridges, the Canal Commissioners shall require and receive a full and sufficient re-

lease legally executed, acknowledged and delivered, free of expense to the State, of all claims for damages in consequence of the construction of such bridges or of the approaches or embankments of the same, and also a good and sufficient license or permission to the State, duly executed, acknowledged and delivered as aforesaid, to alter, raise or change such bridge, approaches or embankments whenever necessary, which necessity is to be determined by the Canal Commissioners, from all persons whose property, rights or interests may be affected by such bridge, approaches or embankments.

§ 2. This act shall take effect immediately.

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## Chap. 785.

AN ACT authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. From and after the passage of this act, the city of Elmira is authorized to use that portion of the Chemung canal situate south of its junction with the Junction canal at Elmira to the southern terminus of the said Chemung canal, or so much of said portion as may be determined by the common council of said city, for a public street, and to fill in, sewer, improve and otherwise adopt the same for a public street. But nothing in this act contained shall be construed as conveying from the State, or otherwise disposing of the fee in the lands occupied by said portion of the said Chemung canal.

Elmira to use portion of Chemung canal as street.

§ 2. The bridges and structures belonging to the State upon said portion of the said Chemung canal shall be removed by the State as soon as practicable after the common council of the said city of Elmira shall have determined to accept the provisions of this act by declaring said portion of said canal a public street; and said bridges and structures shall be applied to canal use as the same may be required from to time time.

Bridges and structures to be removed.

To be public highway.

§ 3. The common council of the said city of Elmira may declare said portion of said canal a public street, and, except as against the State, the same shall be deemed a public highway for all purposes; and the same may be filled up, graded, or otherwise improved at the expense of the said city in such manner as may be determined by the said common council, or in accordance with the provisions of the charter of the said city.

§ 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

## Chap. 786.

AN ACT for the relief of Pratt and Company.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Canal board to hear claim of Pratt & Co.

SECTION 1. The Canal Board are hereby authorized and required to hear the claims of Pratt and Company, of the city of Buffalo, and they are hereby required to certify and allow them such sums of money as will reimburse them for necessary expenditures and damages done by the falling in of the walls of their store in the Erie canal, in said city of Buffalo, during the winter of eighteen hundred and seventy-one, but not to exceed the sum of eight thousand dollars, provided they shall become satisfied, after due investigation, that the facts proved are such as would create a legal liability if proved in a civil action against an individual or corporation, that the damages done were occasioned by the repairing done adjacent to the foundation of their buildings by employees of the State, and further, that the damages so done could not have been prevented by said Pratt and Company.

§ 2. This act shall take effect immediately.

## Chap. 787.

AN ACT authorizing the city of Binghamton to use a portion of the Chenango canal for a public street.

Passed May 20, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On and after the first day of September, eighteen hundred and seventy-two, the city of Binghamton is authorized to use that portion of the Chenango canal between the north end of Prospect avenue in the said city and the south side of Susquehanna street for a public street, and to fill in and otherwise adapt the same for a public street. But nothing in this act contained shall be construed as granting away from the State of New York the fee in the lands occupied by the said portion of the canal, nor as conveying any property in the materials used in the construction of said canal, nor as authorizing the removal of any portion of any building erected on canal land, with the consent of the State, express or implied, except by the regular method provided in title eight in the charter of the city of Binghamton.

Binghamton to use portion of Chenango canal as street.

Proviso.

§ 2. The stone, timber, iron and other material used in the construction of the said portion of said canal, and the bridges over the same, shall be removed by the State before the said first day of September, eighteen hundred and seventy-two, under the direction of the division engineer, and shall be applied to canal use as the same may be required from time to time.

Bridges and structures to be removed.

§ 3. For the purposes of this act, the city of Binghamton shall cause to be constructed a bulkhead near the north end of Prospect avenue, and the surplus waters of the said canal shall be turned into the Chenango river by a sluiceway. Such construction shall be located and constructed before the first day of September, eighteen hundred and seventy-two, under and by the direction of the Canal Commissioners; the expense or cost of said bulkhead and sluiceway shall be paid by the said city,

Bulkhead.

and before proceeding to the construction thereof the said city shall provide for the payment of the same to the satisfaction of said Commissioners, and payment shall be made therefor upon their certificate. In assessing for the costs or expense of opening and laying out the street herein provided for, the said city shall assess the expense or cost thereof upon the taxable property of the city at large.

§ 4. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed, so far as concerns the purposes of this act.

§ 5. This act shall take effect immediately.

## Chap. 788.

AN ACT to amend part one, chapter eleven, title three, article two, section forty-three of the Revised Statutes, in relation to constables.

Passed May 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section forty-three of article two of title three of chapter eleven of part one of the Revised Statutes is hereby amended so as to read as follows :

§ 43. Every person chosen or appointed to the office of constable, before he enters on the duties of his office, and within eight days after he shall be notified of his election or appointment, shall take and subscribe the oath of office provided by the Constitution, and shall execute, in the presence of the supervisor or town clerk of the town, with at least two sufficient sureties, to be approved of by such supervisor or town clerk, an instrument in writing, by which such constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay on account of any execution which shall be delivered to him for collection; and shall also jointly and severally agree and become liable to pay each and every such person for any damages which he may sustain from

Constables to take official oath and execute bond with two sureties.

Condition of bond.



or by any act or thing done by said constable, by virtue of his office of constable. Every constable so chosen or appointed shall, in good faith, be an actual resident of the town or ward in which he shall be chosen or appointed.

Constables must reside in town in which they are appointed.

## Chap. 789.

AN ACT to enable the Astoria and Hunter's Point Railroad Company to extend their road.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Astoria and Hunter's Point Railroad Company are hereby authorized to extend their road by the construction and operation of a branch from Jackson avenue along Thomson avenue to the easterly city line of Long Island City, and for that purpose may increase their capital by not exceeding the sum of one hundred thousand dollars, and may issue bonds and specially secure the issue by mortgage of the said branch of their road hereby authorized; such bonds not to exceed the sum of fifty thousand dollars.

Railroad company may extend road, and for that purpose may increase its capital.

§ 2. This act shall take effect immediately.

## Chap 790.

AN ACT to establish a special road district and appropriate the highway taxes on the non-resident lands therein for the constructing of a road from Blood's hotel to Tupper's lake, Franklin county.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Van Buren Miller, of Harrietstown, Virgil C. Bartlett, of Brandon, and William D. Lennon, of Franklin, Franklin county, are hereby appointed commissioners to lay out and construct a highway from

Commissioners to lay out and construct road.

Route.  
Official  
bonds.

Vacancies, how  
filled.

Compensation.

Road  
district.

Powers of  
commissioners.

County  
treasurers  
to return  
arrears of  
highway  
taxes to  
Comptroller and  
pay over  
taxes received.

Blood's hotel, in Harrietstown, to Tupper's lake, in Franklin county, and they shall severally give bonds with satisfactory security to the Comptroller in the sum of one thousand dollars each for the faithful performance of their duties under this act before entering upon the discharge thereof. The Comptroller shall fill all vacancies which may occur in the office of said commissioners, and a neglect to qualify within sixty days after the passage of this act shall be deemed a refusal to serve and a vacancy. Said commissioners shall be paid out of the moneys received under this act two dollars for each day's service actually and necessarily performed and their necessary expenses incurred in the discharge of their duties under this act, and they shall report annually to the Comptroller, under oath, an account of all their receipts and expenditures.

§ 2. All non-resident lands in townships numbers twenty-seven, twenty-five, twenty-six, twenty-two and twenty-three, in McComb's purchase in great tract one, in Franklin county; and townships twenty-eight, forty-seven, and fifty, and townships twenty-two, twenty-three and thirty-seven, in Totten and Crosfield's purchase, are hereby constituted a road district under commissioners appointed as provided in the first section of this act, and they and their successors in office shall possess all the privileges, rights and powers of town commissioners of highways in this State, and they are hereby authorized to lay out and construct a highway from Blood's hotel in Harrietstown, Franklin county, to Tupper's lake, and use the highway taxes assessed upon non-resident lands in said road district, for the purpose of building said highway and defraying the necessary expenses attending the same.

§ 3. The county treasurers in the counties in which said lands or any part thereof are located, shall render to the Comptroller an annual return of all the arrears of highway taxes in the aforesaid road district within their respective counties, with a schedule of the lands so returned for arrears of taxes, and the said treasurers shall in each year pay over to the Comptroller any and all highway taxes collected by or paid to him from that part of said road district in his county, and the Comp

troller shall pay to the commissioners as herein provided, or any two of them, a sum equal to the admitted arrears of highway taxes in said road district now assessed and uncollected, or collected and unexpended, and shall pay annually to the said commissioners as aforesaid, the amount so paid to him by said county treasurers as hereinbefore provided; and also a sum equal to the amount of the unpaid highway taxes in said road district, hereafter annually returned to him by said county treasurers respectively.

Amount to be paid by Comptroller to commissioners.

§ 4. If the officers, or any of them, whose duty it shall be to assess the highway taxes in said road district or any part thereof, shall omit to make any assessment of the same, the aforesaid commissioners shall make such assessment, and the taxes so assessed shall be valid in all respects and collected in the same manner as other highway taxes on non-resident lands are collected.

Proceedings in case officers shall omit to make assessment.

§ 5. The Comptroller of the State of New York may in his discretion loan and advance to said commissioners, or said commissioners may loan of any person or persons, such sum or sums as shall not exceed the reasonable estimate of highway taxes for the time which said taxes are hereby appropriated, and the said non-resident highway taxes shall, in such case, be strictly applied to the refunding of said loan or advance.

Comptroller to loan to commissioners sum not exceeding amount estimated to be received from taxes.

§ 6. This act shall take effect immediately and shall remain in force, and said taxes are hereby appropriated, for ten years from this date, and all acts or parts of acts inconsistent with this act, shall be deemed not to apply to said road district.

Act to remain in force for ten years.

## Chap. 791.

AN ACT to enable the mayor and common council of Long Island City to borrow money.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the mayor and common council of Long Island City to raise by loan, by the

Amount to be raised by mayor

and common council by loan on public stock.

How issued.

Principal, when to fall due.

Tax to pay same.

Amount raised to be used in paying debts of

creation of a public fund or stock, a sum not exceeding sixty-two and two-tenths per cent. of the amount of all debts, obligations and liabilities of the town of Newtown existing on the twenty-seventh day of March, eighteen hundred and seventy-one, or which had been authorized or directed by any act then existing; and also an additional sum not exceeding sixty-two and two-tenths per cent. of all interest which shall have accrued thereon since the said twenty-seventh day of March, eighteen hundred and seventy-one, and which now remains unpaid. Said public fund or stock shall be issued by the said mayor and common council of Long Island City in bonds or obligations of said city, in sums not less than five hundred dollars each, under the seal of the said city, and authenticated by the signatures of the mayor and city clerk, drawing interest at the rate of seven per cent. per annum, with coupons attached, signed by the said city clerk, for the payment of said interest on the first days of February and August in each year, which bonds shall be called the funded debt of Long Island City for Newtown debt, and shall be so drawn that the principal therein mentioned shall be and become payable in classes or series in the amounts and on the first day of February in the years specified in the said bonds or obligations, commencing on the first day of February, eighteen hundred and seventy-seven, when twenty thousand dollars of principal shall become due and payable, and twenty thousand dollars in each year thereafter until the whole amount shall be paid and discharged, which bonds or obligations shall be a charge upon all the taxable property, real and personal, of Long Island City, and it shall be the duty of the common council, in the annual tax levy next preceding the maturity of the principal or interest of any of the said bonds or obligations, to levy, assess and collect the sums of money necessary for the payment thereof, with the general taxes for city purposes, and the provisions of the charter applicable to such taxes and the assessment and collection thereof shall apply to the tax hereby authorized and directed.

§ 2. The sums of money raised by the issue of such loan or public fund or stock shall be used by said mayor and common council in the payment of the debts, obli-

gations and liabilities of the town of Newtown existing upon the twenty-seventh of March, eighteen hundred and seventy-one, or which had been authorized or directed by any act then existing, and to the payment of any interest which shall have accrued thereon since the said said\* twenty-seventh day of March, eighteen hundred and seventy-one, and which now remains unpaid, and which may remain unpaid on and after the first day of September, eighteen hundred and seventy-two, to the extent and not exceeding a sum equal to sixty-two and two-tenths per cent. of the aggregate amount of such principal and interest.

town of  
Newtown.

§ 3. All sums of money, whether of principal or interest, so paid by the said mayor and common council of Long Island City, shall be considered as between said city and the town of Newtown as in payment and liquidation of the relative proportion of the debts, obligations and liabilities of the town of Newtown existing on the twenty-seventh of March, eighteen hundred and seventy-one, or which had been authorized or directed by any act then existing, to be borne and paid by said Long Island City under the provisions of an act entitled "An act providing for the division of the town of Newtown, in Queens county, and the apportionment of the town property and town debts," passed March twenty-seventh, eighteen hundred and seventy-one; and upon the payment by said Long Island City of said sixty-two and two-tenths per cent. of such debts, obligations and liabilities of the town of Newtown existing on the twenty-seventh of March, eighteen hundred and seventy-one, or which had been authorized or directed by any act then existing, the residue of such debts, liabilities and obligations shall be borne and paid by the said town of Newtown.

Sums so  
paid to be  
in pay-  
ment and  
liquida-  
tion of  
proportion  
of said debts  
to be  
borne by  
Long  
Island  
City.

§ 4. Upon the payment by the mayor and common council of Long Island City of any principal or interest under the provisions hereof, the said payment and the amount thereof shall be certified by the said mayor to the supervisor of the town of Newtown, and if the said payment shall be of or upon any bond of the said town

Amount  
paid to be  
certified  
by mayor  
to super-  
visor.

\*So in the original.

of Newtown, the number and description of the said bond shall be so certified.

§ 5. This act shall take effect immediately.

## Chap. 792.

AN ACT to authorize "The United Petroleum Farms Association," to dispose of the proceeds of its real estate.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Proceeds  
of sale of  
real  
estate,  
how to be  
disposed  
of.

SECTION 1. The United Petroleum Farms Association is hereby authorized to dispose of the proceeds of the sale of any of its real estate which it has heretofore made, or which it may hereafter make, by applying such proceeds to the payment of its debts and by distributing the residue thereof among its stockholders ; provided, that in every case of the payment to a stockholder, the amount of the payment so made shall be indorsed on his certificate of stock. If any such distribution be made, leaving any debts unpaid, the trustees sanctioning such distribution shall be jointly and severally personally liable to pay such debts.

Amount  
of sales,  
etc., to be  
stated in  
report.

§ 2. The amount of such sales and distribution shall be stated in each annual report of said association hereafter made.

§ 3. This act shall take effect immediately.

## Chap. 793.

AN ACT in relation to the debts of the town of Newtown, Queens county.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

What  
sums to be  
included  
in tax levy  
of 1872.

SECTION 1. All sums of principal and interest which were required by section five of an act entitled "An act providing for the division of the town of Newtown, in

Queens county, and the apportionment of the town property and town debts," passed March twenty-seventh, eighteen hundred and seventy-one, to have been levied and collected in and by the tax levy of the year eighteen hundred and seventy-one, and not so levied and collected, shall be levied and collected in the tax levy of eighteen hundred and seventy-two, in addition to the amounts in and by said section directed to be levied and collected in said tax levy of eighteen hundred and seventy-two.

§ 2. The supervisor of the town of Newtown may issue the bonds or obligations of the said town for an amount not exceeding thirty-seven and eight-tenths per cent. of the principal and interest due and to grow due of the debts, obligations and liabilities of the town of Newtown, existing on March twenty-seventh, eighteen hundred and seventy-one, or which had been then authorized or directed by any existing act, and thirty-seven and eight-tenths per cent. of the amount of unpaid back taxes of said town, and may negotiate and dispose of the said bonds at not less than par, and may apply the proceeds thereof to the payment of such debts, obligations and liabilities then existing, or which had then been authorized or directed by any existing act, and to the payment of thirty-seven and eight-tenths per cent. of said unpaid back taxes of said town. Such bonds so to be issued shall be signed by said supervisor and by the town clerk of said town, shall bear interest at the rate of seven per cent. per annum, payable semi-annually on the first days of March and September, in each and every year, shall have coupons attached, signed by the said town clerk, and shall become due and payable as follows, namely: twenty thousand dollars of the principal thereof shall fall due in the year eighteen hundred and seventy-five, and twenty thousand dollars shall fall due in each and every year thereafter until the whole thereof shall be paid.

Super-  
visor may  
issue  
bonds.

To what  
amount.

Proceeds,  
how  
applied.

How  
issued.

When  
payable.

§ 3. Any sums of principal and interest of the debts, obligations or liabilities of the town of Newtown existing on the twenty-seventh of March, eighteen hundred and seventy-one, or which had been authorized or directed under any act then existing, which may be paid

Payments,  
how  
credited.

by either the mayor and common council of Long Island City, or by the supervisor of the town of Newtown, shall be credited respectively to said city or said town under the appointment provided for in said act, entitled an act providing for the division of the town of Newtown, in Queens county, and the apportionment of the town property and town debts.

§ 4. This act shall take effect immediately.

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## Chap. 794.

AN ACT to confirm the election of game constable in the several towns of Lewis county.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Election  
of game  
constables  
legalized.

SECTION 1. The election of game constable in the several towns in Lewis county, elected at the annual town meetings held in February, eighteen hundred and seventy-two, is hereby declared to be valid and legal, the same as if said election had been duly authorized at a regular meeting of the board of supervisors, and all the acts done by said constables in pursuance of and under chapter seven hundred and twenty-one of the Laws of eighteen hundred and seventy-one, are hereby declared to be legal and valid, as if the election of said constables had been authorized by the board of supervisors.

§ 2. This act shall take effect immediately.

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## Chap. 795.

AN ACT authorizing the formation of a separate road district in the county of Essex.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Descrip-  
tion of  
road  
district.

SECTION 1. All that part of the town of Jay, in the county of Essex, lying south of the north line of lots number one hundred and thirty-four, one hundred



and thirty-one, one hundred and forty, and one hundred and forty-one, in Essex tract; lots one hundred and fifty-six, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-three, and one hundred and seventy-four, in the town of Elizabethtown, in the same tract; lots one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, and one hundred and fifty-seven in said tract, in the town of Lewis, in said county of Essex; and lots one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, and one hundred and ninety-four, in said tract, in the town of Keene, in the county of Essex, is hereby constituted a separate road district.

§ 2. Seth Johnson, in the town of Jay, Essex county, Richmond L. Hand, in the town of Elizabethtown, and Charles Holt, in the town of Keene, in the said county of Essex, are hereby appointed and constituted commissioners to lay out and construct a road from the northerly to the southerly boundaries of said road district, so as to connect with public highways, and they and their successors in office shall have all the powers of town commissioners of highways in this State.

§ 3. The commissioners of highways of the towns of Jay, Keene, Lewis and Elizabethtown shall annually assess all the lands embraced in said road district the usual highway taxes in the same manner as such taxes are assessed and charged upon the lands in their respective towns, which taxes shall be paid to the commissioners under this act, for the purpose of laying out, opening, working and keeping in repair the said road. All such

Commissioners to lay out and construct road.

Route.

Lands in said district to be assessed by highway commissioners.

Taxes to be paid commissioners under this act.

Unpaid taxes to be assessed and charged by supervisors on assessment rolls of towns.

highway taxes not paid to the said commissioners previous to the annual meeting of the board of supervisors of said county of Essex shall be assessed and charged by said board upon the assessment rolls of said towns of Jay, Keene, Lewis and Elizabethtown, and a sum equal to the admitted arrears of highway taxes assessed upon said lands, together with any sum that may be paid to the State Treasurer, or Comptroller, on account of the highway taxes on said lands, shall be paid annually to the commissioners under this act, upon the written order of any two of them, out of the treasury of the State, and the amount of taxes so in arrears for the year eighteen hundred and seventy shall be paid to said commissioners in the manner above stated.

When commissioners named in this act to make assessment, and return same to board of supervisors.

§ 4. If the officers whose duty it shall be to assess the highway taxes on any of the lands embraced in said road district, or to perform any other act relating thereto, shall neglect to assess said lands, or to perform their duties relating thereto, then the commissioners under this act shall make the usual assessment of highway taxes and return their assessment to the board of supervisors, who shall assess and charge the same on the rolls of the several towns, as specified in section three of this act, and the taxes so assessed shall be collected in the same manner as the other taxes on said rolls.

Commissioners to give bonds.

§ 5. Each of the said commissioners mentioned in the second section of this act shall give a bond, with one surety, to the Comptroller of this State, in the penal sum of one thousand dollars, for the faithful performance of their duties, before entering upon the performance thereof, which bond shall be approved by the county judge of the county of Essex.

Compensation of commissioners.

To render an account to the Comptroller.

§ 6. Each of the said commissioners shall be allowed out of the aforesaid moneys, two dollars a day for their services, for each day actually employed, and all necessary expenses, and they shall render to the Comptroller annually, on or before the first day of January, an account of their services and expenses, and shall also then account, under oath, for all moneys received by them and the manner in which the same have been expended; and the Comptroller shall have power to

fill all vacancies that shall occur in the office of said commissioners.

§ 7. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 8. This act shall take effect immediately.

## Chap. 796.

AN ACT to incorporate the New York and South American Contract Company.

Passed May 21, 1872,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Henry Meiggs, Santiago C. Montjoy, Charles P. Mynderse, Martin V. Forman, William K. Schenck, Edwin Henry, W. A. Wilkins, John Caleb Green, Alfonse Bearup, Albert Munson, William Evans and their associates, shall be and they are hereby authorized and declared to be a body corporate and politic in fact and in law, by the name of the New York and South American Contract Company, and by that name shall have succession, and may sue and be sued in any court whatever, contract and be contracted with, and have and use a common seal, and the same may change at pleasure, and may make by-laws and regulations for the government of their affairs not inconsistent with the Constitution or laws of this State or the United States.

Corporators.

Corporate name.

§ 2. The said corporation is hereby authorized to contract with any person or company, municipality or body politic in South America, having the power or franchise to build, construct, enlarge or complete, in whole or in part, any railroad or other work of public improvement, and to receive in payment therefor cash or bonds, or shares of railroad companies or other corporations, and securities issued by any government, State, county, town or other corporation, municipal or otherwise, and to become an agency for the sale and purchase of the securities so received in payment, and for the purpose of their said business to lease, pur-

Corporate powers.

chase, hold, convey, mortgage and exchange real or personal property, and issue the bonds of said company and sell and dispose of the same; but the amount of such bonds outstanding at any time shall not exceed the amount of the real and personal property owned and represented by said company; and such bonds may be made payable to bearer, or may be registered bonds.

Capital  
stock.

§ 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but when fifty thousand dollars shall be subscribed, and shall have been paid in, the said company may organize and proceed to business. The capital stock may, from time to time, be increased to an aggregate amount not exceeding two million dollars, upon paying in in cash ten per cent. of such increase, but no increase shall be made without in each case the consent in writing of two-thirds in amount of the stockholders at the time of such increase, which shall in all cases be made in conformity to law.

Increase  
of

Commis-  
sioners to  
open  
books of  
subscription  
to  
stock.

§ 4. The eleven persons first named in section one shall be, and they are hereby appointed commissioners to open books of subscription to the capital stock of said company, at such time and place as they shall deem proper, and their certificate, signed and acknowledged and filed in the office of the clerk of the county of New York, that fifty thousand dollars have been subscribed and paid in in cash, shall be evidence of the authority of said company to commence business.

Board of  
directors.

Quorum.

First  
directors.

§ 5. The corporate powers of said company shall be exercised by a board of not less than seven nor more than fifteen directors, each of whom shall be a stockholder, and a majority of whom shall constitute a quorum for the transaction of business. The persons named in the first section of this act shall be the first directors, one of whom shall be elected president of said company, and shall hold his office until the next annual election, and until his successor shall be chosen. An election shall be held on the first Tuesday of June of each year, commencing June, eighteen hundred and seventy-three, for directors, whose term of office then expire. If an election of directors shall not be made on the day appointed in this charter, it shall be lawful

Election.

to hold an election at any time within ninety days thereafter.

§ 6. The directors, immediately after any annual election, shall choose from their body a president, who shall serve for one year, or until his successor shall be chosen; and also a vice-president, who shall act in case of the death, resignation; absence or inability of the president to serve. They shall fill vacancies in either office from among the remaining directors. The directors shall also appoint a secretary and treasurer, and may appoint such engineer, counsel, agent, clerks and servants as may be necessary to carry on the business of the company. All vacancies in the board of directors shall be filled by the remaining members of the board, for the unexpired portion of the year.

Officers.

Vacancies, how filled.

§ 7. The principal office of the company shall be in the city of New York, but the directors, under such rules and regulations as they may prescribe, may establish branches and agencies in South America and elsewhere.

Principal office to be in New York city.

§ 8. Each stockholder of said company shall be individually liable to the creditors of said company for all debts and liabilities of the company to an amount equal to the amount unpaid, on any stock subscribed for or held by him, but shall not be liable to an action therefor before an execution shall be returned, not satisfied in whole or in part against the company.

Liability of stockholders.

§ 9. The said corporation shall possess the general powers, and shall be subject to the general restrictions and liabilities contained and prescribed in the eighteenth chapter of part first of the Revised Statutes.

General powers.

§ 10. This act shall take effect immediately.

## Chap. 797.

AN ACT to amend an act entitled "An act to incorporate the Poughkeepsie Female Guardian Society," passed April fifteenth, eighteen hundred and fifty-two.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of an act entitled "An act to incorporate the Poughkeepsie Female Guardian Society, passed April fifteenth, eighteen hundred and fifty-two, is hereby amended by adding thereto the words, "and for the reformation of offenders."

Number of  
female  
managers.

§ 2. The second section of said act is hereby amended so as to provide that the board of female managers shall consist of not less than twelve.

§ 3. The fifth section of said act is amended so as to read as follows :

In what  
cases  
children  
may be  
placed at  
service.

§ 5. In all cases where a child shall have been surrendered by its natural or other legal guardian to the care and management of the society by any instrument or declaration in writing, it shall be lawful for the said board of managers, at their discretion, to place such child by adoption or at service in some suitable employment, and with some proper person or persons, conformably to the laws of this State in regard to the binding out of indigent children: provided, that in all such cases the terms of the indenture shall be approved by the recorder of the city of Poughkeepsie, or by the surrogate or by the president of the alms house commissioners of the city of Poughkeepsie, which approvals shall be signified on such indenture by the signature of such recorder, surrogate or president; but in every such case the requisite provisions shall be inserted in the indenture or contract of binding, to secure the child so bound such treatment, education or instruction as shall be suitable and useful to its situation and circumstances in life.

Indenture  
to be ap-  
proved by  
recorder,  
surrogate  
or presi-  
dent of  
alms  
house  
commis-  
sioners.

§ 4. The seventh section of said act is amended so as to read as follows :

§ 7. In case of the death or legal incapacity of a father, or of his imprisonment for crime, or of his abandoning and neglecting to provide for his family, the mother shall be deemed the legal guardian of her children for the purpose of making such surrender as aforesaid; and if, in any such case, the mother be also dead

When mother to be deemed legal guardian.

or legally incapable of acting, or imprisoned for crime, or shall have abandoned or neglected to provide for her child or children, the mayor of said city, said recorder, president or surrogate, shall be, by virtue of his office, the legal guardian for the like purpose, and so in all cases where it cannot by diligent inquiry be ascertained that there is within the State, any parent or other person legally authorized to act in the premises, the said mayor, recorder, president or surrogate shall be, ex officio, such guardian for the same purpose; and such guardianship shall extend as well to children already in the care of said society as to those who may hereafter be offered for admission, or received therein; and in either case, whether such surrender be made by the mother or by the said mayor, recorder, president or surrogate, and whether before or after admission into the said home, it shall be deemed a legal surrender for the purpose, and within the true intent and meaning of the fifth section of this act; but no surrender by a mother, as provided by this section, shall be valid, without consent of the said mayor, recorder, president or surrogate.

When mayor, recorder, president or surrogate to be legal guardian.

To what children such guardianship to extend.

§ 5. The eighth section of said act is amended so as to read as follows :

§ 8. There shall be a board of counselors consisting of not less than twelve male members, whose duty it shall be to advise the board of managers of said society, from time to time, in regard to the business of the society; five counselors shall be a quorum for the transaction of business; no purchase or sale, lease or mortgage of real estate, shall be taken by said corporation without the approval of a majority of the board of counselors, duly certified by the secretary of said board,

Board of counselors.

Quorum.

and all conveyances shall be executed by the president and secretary of said board.

§ 6. Section ninth of said act is hereby amended by striking therefrom the words, "conveyances of real estate shall be executed by a majority of the board of counselors."

§ 7. This act shall take effect immediately.

## Chap. 798.

AN ACT to provide for the improvement of Pleasant street, in the city of Utica, and town of New Hartford, Oneida county, between Oneida street and Seymour avenue.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Supreme Court, when to appoint commissioners to improve Pleasant street.

Street to be widened, etc.

Contracts to be awarded to lowest responsible bidder.

SECTION 1. The Supreme Court of the State of New York, in the fifth judicial district, at any general or special term thereof, is hereby authorized and empowered to appoint, upon the verified petition of owners of a major part of the land fronting on the improvement hereinafter mentioned, three commissioners, to improve Pleasant street, a public highway situated partly in the city of Utica and partly in the town of New Hartford, Oneida county. Said commissioners are hereby empowered to widen said Pleasant street, between Oneida street and Seymour avenue, to a width not less than eighty feet, nor more than one hundred feet, and to grade the same; and are also authorized to build a plank sidewalk on each side thereof, and to construct such wells, cobblestone gutters and sewers as they may deem expedient and necessary in order to properly drain the same.

§ 2. For the purpose of making such improvement, the said commissioners may make contracts and may incur such expense as may be necessary thereon; such contracts shall be awarded to the lowest responsible bidder, and said commissioners may require security for the proper performance thereof.



§ 3. The said commissioners shall, within thirty days after their appointment, cause a survey to be made of the portion of said Pleasant street to be widened and improved as aforesaid, and a map to be made of the same, which map shall show the boundary lines of the property fronting on said Pleasant street as it now is, and also the boundary lines of the property fronting on Pleasant street as laid out and located by said commissioners; and shall also show the pieces or parcels of land required therefor to be taken from each owner respectively, which map shall be authenticated by a certificate, signed by at least two of said commissioners, and acknowledged by them before an officer authorized to take the acknowledgment of deeds, and containing such explanatory remarks as they may deem necessary. Said map shall be filed by the clerk of the county of Oneida, and thereupon the land designated upon said maps by said commissioners for said public road or highway shall be, and the same is hereby declared to be a public road or highway.

Survey and map to be made.

Map to be filed.

§ 4. The said commissioners shall give reasonable notice, either personally or by mail or by publication in a newspaper, to each owner or occupant of the lands and tenements required for the widening of said public road or highway, of their intention to meet at a certain time or place in the city of Utica, to inquire and determine what compensation ought to be made, if any, to such owner or occupant for the damages which the taking of any such lands or tenements will occasion to the owner or occupant thereof. The damages sustained by reason of the widening of such road may be ascertained by the agreement of the owners and said commissioners; but if said commissioners shall be unable to agree with such owners or occupants as to the amount of damages sustained by them, the said commissioners shall appraise the value of the lands or tenements taken or required for such public road or highway, and the damages which will thereby be occasioned to any such owner or occupant with whom they shall be unable to agree. The said commissioners, or two of them, shall make a report, in writing, setting forth the damages awarded by them for any lands or tenements required or taken for such

Notice to be given to each owner or occupant of meeting.

Damages, how ascertained.

Commissioners to report in writing.

Report,  
what to  
contain.

public road or highway, and the name of the owner or occupant entitled to such award, and the amount thereof, to which each owner or occupant is severally entitled, and also the several amounts agreed upon by them with any owner or occupant for damages as above provided. They shall further set forth, in their said report, the amount of the differences between the award or sum agreed upon for damages to the owner of any lands or tenements required or taken for such public road or highway, and the amount which should justly be apportioned to and charged upon such owner for benefit accruing to him from laying out and widening such public road or highway. The report of said commissioners shall be made as far as practicable in tabular form, and may refer to the map mentioned in section three without annexing any copy thereof to such report, and shall be signed by them or a majority of them, and duly acknowledged before an officer authorized to take the acknowledgment of deeds, and shall be filed in the office of the clerk of the county of Oneida.

Form of  
report.

Notice of  
completion  
of  
report  
and of  
meeting to  
review  
the same  
to be pub-  
lished.

Parties  
interested  
may ex-  
amine  
report and  
offer ob-  
jections  
thereto.

Commis-  
sioners to  
revise,  
correct  
and file  
report.

Notice of  
applica-  
tion to  
court to  
confirm  
report to  
be pub-  
lished.

§ 5. That after said report shall be completed and filed as aforesaid, said commissioners shall cause a notice to be published in said county that the said report has been completed and filed, and that they will meet at a time and place therein to be specified, not less than five days from the first publication of such notice, to review their report; during that time the said report may be examined free of expense by all persons interested, and at the time and place so specified any such persons may offer objections in writing to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently thereafter, review the said report and correct the same, when they shall deem a correction of the same proper, and file such corrected report with said county clerk. The said commissioners shall thereupon cause a notice to be published in a newspaper published in said county, that said report has been completed and filed, and that an application will be made on behalf of said commissioners to the Supreme Court, at any one of the special terms thereof to be held in that judicial district, the time to be specified in that

notice, to be not less than six days from the first publication thereof, to have the said report confirmed; during which six days the said report shall remain open to the inspection, free of expense, of all persons interested. Any such person may, within such time, appeal from such report. Such appeal shall be by notice served on said county clerk, and upon said commissioners within the said six days last mentioned, and at least three days before the time at which the said report is to be presented to the court for confirmation, with a brief statement, in writing, of the grounds of objection to such report, and of the manner in which it is claimed the same ought to be altered.

Appeal,  
how  
taken.

§ 6. Such appeal shall be heard by the court to which, and at the time when, the said report shall be presented for confirmation. Copies of the affidavits which shall have been delivered as aforesaid, but no others, may be read against confirming said report; but no cause against such confirmation shall be heard except an appeal shall have been made in the manner provided in the preceding section of this act. If no sufficient reason to the contrary shall appear to the court, they shall confirm the said report; or if, in their opinion, the same ought not to be confirmed, they may refuse so to do; and in the event of such refusal, they shall refer it back for revision or correction to said commissioners, who shall proceed to revise and correct the same, and cause a new report to be filed in the office of the county clerk. The commissioners shall thereupon cause a new notice to be published in the manner required in the preceding section of this act of the filing of such report, and of their intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner hereinbefore provided for on appeals; and such appeal shall be proceeded upon and disposed of in the manner hereinbefore provided for in the first appeal; and as often as any such report shall be referred back for revision or correction, like proceedings shall be thereupon had as are in this act provided for upon a first reference back to the said commissioners. In cases, however, where the said court shall direct specific alterations to be made in its pres-

Proceed-  
ings on  
appeal.

ence, they may absolutely confirm the said report without further notice or return.

Certificate of confirmation to be delivered to commissioners.

§ 7. After the report of the commissioners shall be confirmed, a certificate thereof by the clerk of said court shall be delivered to the commissioners, who shall thereupon be authorized to enter upon said lands, and cause such improvements to be made as they are hereby authorized to make.

Guardians for infants.

§ 8. In case of widening said road, under the provisions of this act, a justice of the Supreme Court shall have power, on application, to appoint guardians for infants or other incompetent persons, to protect their interests or prosecute their appeals.

What expenses to be included as expense of road.

§ 9. The necessary expenses incurred by said commissioners, and the expenses of printing and survey, specifications and superintendence of said work, and other similar purposes, shall be deemed a part of the expense of laying out and grading said road.

Oath of office.

§ 10. The commissioners provided for under this act shall, before they enter upon the duties of their office, take and subscribe the constitutional oath of office, and shall commence their proceedings on or before the first day of June, eighteen hundred and seventy-two, and shall complete the same within a period of one year from said last mentioned date, during which time they shall have all power necessary to accomplish the same.

Compensation.

§ 11. That said commissioners shall each be allowed three dollars for each and every day while actually employed in and about their duties, and such compensation shall be estimated as a part of the expenses of laying out and grading said street.

Final statement, what to contain.

§ 12. That immediately after the completion of said improvements, the said commissioners shall make a full and complete statement of all expenses and disbursements, by item, which they have made or incurred in or about said improvements, including the damages allowed for widening said road; and said commissioners shall, in said report, assess one-half of the total expense of all of said improvements which said commissioners are hereby authorized to make, upon the real estate fronting upon or adjoining said improvement, situate in the city of Utica, and shall also assess one-half of the said total

Upon what property total expense to be assessed.

amount of the expense of said improvement upon the real estate adjoining or fronting on said improvement, situate in the town of New Hartford, which report shall be signed by at least two of said commissioners, who shall file the same in the clerk's office of Oneida county, and shall give notice by publication at least once, in a newspaper published in the city of Utica, of the time of filing said report, and of a day on which said report shall be presented for confirmation to one of the justices of the Supreme Court, at a special term thereof, to be held in said judicial district, and until confirmation by said court, the said commissioners may, on application of any person aggrieved, alter and amend such report, and withdraw and renew the application for confirmation. Any person interested may oppose the confirmation of said report by first serving upon said commissioners, at least five days before the day on which said report is to be presented for confirmation, a notice in writing containing a specific statement of the ground of objection to such report, and of the manner in which it is claimed the same ought to be changed. No cause against the confirmation of said report, nor any review thereof shall be heard, except upon the grounds stated in said notice, and in the manner provided in this section.

Notice of  
filing  
report.

Interested  
parties  
may  
oppose  
confirma-  
tion of  
report.

§ 13. That after the confirmation of said report all assessments made in said report upon lands and real estate within the city of Utica shall forthwith be caused to be collected by the common council of said city, and shall be levied upon such real estate and collected in the same manner in which assessments for local improvements are collected in said city, together with all interest, commissions and expenses.

Collection  
of assess-  
ments.

§ 14. That after the confirmation of said report, the same, or a copy thereof, shall be laid before the board of supervisors by the supervisor of said town of New Hartford to be audited, and all assessments made in said report upon lands and real estate within the town of New Hartford shall be caused to be collected by said board of supervisors and levied upon such real estate the same as other assessments and taxes are collected in said town.

Report to  
be laid  
before  
board of  
super-  
visors and  
proceed-  
ings there-  
upon.

Taxes to  
be paid  
commis-  
sioners.

§ 15. All taxes collected as aforesaid, as fast as any portion is collected, shall be paid to said commissioners, who shall pay out and disburse the same to satisfy the charges, damages and expenses of said improvements.

Vacan-  
cies, how  
filled.

§ 16. In case of the death, resignation, removal or omission to act of either or any of the commissioners provided for by this act, the Supreme Court shall have the power, upon the application of any person interested, to fill any vacancy so occurring.

§ 17. No act hereafter passed prior to the first day of May, eighteen hundred and seventy-three, for the purpose of widening and improving said Pleasant street, shall be considered as referring to the portion of Pleasant street lying between Oneida street and Seymour avenue, unless that portion of said street is particularly specified in said act and this act is particularly referred to and modified or repealed.

§ 18. This act shall take effect immediately.

## Chap. 799.

AN ACT to incorporate the New York Construction Company of the city of New York.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corpora-  
tors.

Corporate  
name.

SECTION 1. Nicholas H. Decker, Henry B. Hanson, Hiram D. Faulkner, Thomas F. Mason and T. Henry Mason, and their associates, shall be and they are hereby authorized and declared to be a body corporate and politic, in fact and in law, by the name of the New York Construction Company, of the city of New York, and by that name shall have succession, and may sue and be sued in any court whatever, contract and be contracted with, and have and use a common seal, and the same may change at pleasure, and may make by-laws and regulations for the government of their affairs not inconsistent with the Constitution or laws of this State or the United States.

§ 2. The said corporation is hereby authorized to contract with any person or company, corporation or body politic having the power or franchise to build, construct, enlarge or complete, in whole or in part, any railroad or other work of public improvement, and to receive in payment therefor, cash or bonds, or shares of railroad companies or other corporations, and securities issued by any government, State, county, town or other corporation, municipal or otherwise, and to become an agency for the sale and purchase of the securities so received in payment, and for the purpose of their said business to lease, purchase, hold, convey, mortgage and exchange real or personal property.

Corporate powers.

§ 3. The capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each; but when one hundred thousand dollars shall be subscribed, and twenty-five per cent. thereof shall have been paid in, the said company may organize and proceed to business. The capital stock may from time to time be increased by the board of directors to an aggregate amount not exceeding five hundred thousand dollars, but no increase shall be made unless in each case the consent in writing of two-thirds in amount of the stockholders at the time of such increase, shall be submitted to the board of directors, which consent shall be filed in the office of the clerk of the county where such corporation shall have its principal office.

Capital stock.

Increase of.

§ 4. The three persons first named in section one shall be, and they are hereby appointed commissioners to open books of subscription to the capital stock of said company, at such time and place as they shall deem proper, and their certificate, signed and acknowledged and filed in the office of the clerk of the county of New York, that one hundred thousand dollars have been subscribed and twenty-five per cent. thereon paid in cash, shall be evidence of the authority of said company to commence business.

Commissioners to open books of subscription to stock.

§ 5. The corporate powers of said company shall be exercised by a board of not less than five nor more than thirteen directors, each of whom shall be a stockholder, and a majority of whom shall constitute a quorum for the transaction of business. The persons named in the

Board of directors.

Quorum.

First  
directors.

Election  
of direct-  
ors.

Officers.

Vacancies,  
how  
filled.

Location  
of principal  
office.

Liability  
of stock-  
holders.

General  
powers.

first section of this act shall be the first directors, one of whom shall be elected president of said company and shall hold his office until the next annual election, and until his successor shall be chosen. An election shall be held on the first Tuesday of April of each year, commencing April, eighteen hundred and seventy-three, for directors, whose term of office then expire. If an election of directors shall not be made on the day appointed in this act, it shall be lawful to hold an election at any time within ninety days thereafter.

§ 6. The directors, immediately after any annual election, shall choose from their body a president, who shall serve for one year or until his successor shall be chosen; and also a vice-president who shall act in case of the death, resignation, absence or inability of the president to serve. They shall fill vacancies in either office from among the remaining directors. The directors shall also appoint a secretary and treasurer, and may appoint such engineer, counsel, agent, clerks and servants, as may be necessary to carry on the business of the company. All vacancies in the board of directors shall be filled by remaining members of the board, for the unexpired portion of the year.

§ 7. The principal office of the company shall be in the city of New York, but the directors, under such rules and regulations as they may prescribe, may establish branches and agencies elsewhere.

§ 8. Each stockholder of said company shall be individually liable to the creditors of said company, for all debts and liabilities of the company to an amount equal to the amount unpaid on any stock subscribed for or held by him, but shall not be liable to an action therefor before an execution shall be returned, not satisfied, in whole or in part against the company.

§ 9. The said corporation shall possess the general powers, and shall be subject to the general restrictions and liabilities, contained and prescribed in title three, part one, eighteenth chapter of part first of the Revised Statutes.

§ 10. This act shall take effect immediately.



## Chap. 800.

AN ACT making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk.

Passed May 21, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury belonging to the general fund, not otherwise appropriated, for the purpose of improving the navigation of Peconic river, in the county of Suffolk, in this State, from the village of Riverhead, in said county, to the mouth of the river; which sum of money shall be expended by and under the direction of David F. Vail, Issac C. Winters and Joshua L. Wells, all of Riverhead, of the county of Suffolk, and the State Engineer and Surveyor, who are hereby appointed commissioners for that purpose. The said sum of five thousand dollars is to be paid to them upon the presentation, by them, of the proper vouchers to the Comptroller.

Appropriation for improvement of the navigation of Peconic river.

Commissioners to expend same.

§ 2. The said commissioners, excepting said State Engineer and Surveyor, before entering upon the duties of their office, shall execute and file in the office of the Comptroller, a bond to the people of the State of New York, in the penal sum of ten thousand dollars, conditioned for the faithful performance of their duties, with sufficient sureties to be approved by the Comptroller.

Commissioners, except State Engineer, to give bonds.

§ 3. The said commissioners shall expend the said sum of money upon the improvement of the navigation of the said river, between the village of Riverhead in said county and the mouth of the said river, as they shall deem most desirable.

Where and how money to be expended.

§ 4. The said commissioners shall annually report their proceedings hereon, on or before the first day of December in each year, verified by their oath, to the Comptroller. The said commissioners shall receive no

Commissioners to report annually to Comptroller.

First  
directors.

first section of this act shall be the first directors, one of whom shall be elected president of said company and shall hold his office until the next annual election, and until his successor shall be chosen. An election shall be held on the first Tuesday of April of each year, commencing April, eighteen hundred and seventy-three, for directors, whose term of office then expire. If an election of directors shall not be made on the day appointed in this act, it shall be lawful to hold an election at any time within ninety days thereafter.

Officers.

§ 6. The directors, immediately after any annual election, shall choose from their body a president, who shall serve for one year or until his successor shall be chosen; and also a vice-president who shall act in case of the death, resignation, absence or inability of the president to serve. They shall fill vacancies in either office from among the remaining directors. The directors shall also appoint a secretary and treasurer, and may appoint such engineer, counsel, agent, clerks and servants, as may be necessary to carry on the business of the company. All vacancies in the board of directors shall be filled by remaining members of the board, for the unexpired portion of the year.

Vacancies,  
how filled.

Location  
of principal  
office.

§ 7. The principal office of the company shall be in the city of New York, but the directors, under such rules and regulations as they may prescribe, may establish branches and agencies elsewhere.

Liability  
of stock-  
holders.

§ 8. Each stockholder of said company shall be individually liable to the creditors of said company, for all debts and liabilities of the company to an amount equal to the amount unpaid on any stock subscribed for or held by him, but shall not be liable to an action therefor before an execution shall be returned, not satisfied, in whole or in part against the company.

General  
powers.

§ 9. The said corporation shall possess the general powers, and shall be subject to the general restrictions and liabilities, contained and prescribed in title three, part one, eighteenth chapter of part first of the Revised Statutes.

§ 10. This act shall take effect immediately.

## Chap. 800.

AN ACT making an appropriation for the improvement of the navigation of Peconic river, in the county of Suffolk.

Passed May 21, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury belonging to the general fund, not otherwise appropriated, for the purpose of improving the navigation of Peconic river, in the county of Suffolk, in this State, from the village of Riverhead, in said county, to the mouth of the river; which sum of money shall be expended by and under the direction of David F. Vail, Issac C. Winters and Joshua L. Wells, all of Riverhead, of the county of Suffolk, and the State Engineer and Surveyor, who are hereby appointed commissioners for that purpose. The said sum of five thousand dollars is to be paid to them upon the presentation, by them, of the proper vouchers to the Comptroller.

Appropriation for improvement of the navigation of Peconic river.

Commissioners to expend same.

§ 2. The said commissioners, excepting said State Engineer and Surveyor, before entering upon the duties of their office, shall execute and file in the office of the Comptroller, a bond to the people of the State of New York, in the penal sum of ten thousand dollars, conditioned for the faithful performance of their duties, with sufficient sureties to be approved by the Comptroller.

Commissioners, except State Engineer, to give bonds.

§ 3. The said commissioners shall expend the said sum of money upon the improvement of the navigation of the said river, between the village of Riverhead in said county and the mouth of the said river, as they shall deem most desirable.

Where and how money to be expended.

§ 4. The said commissioners shall annually report their proceedings hereon, on or before the first day of December in each year, verified by their oath, to the Comptroller. The said commissioners shall receive no

Commissioners to report annually to Comptroller.

compensation for their services out of the moneys hereby appropriated.

Vacancies, how filled.

§ 5. The Comptroller shall have power to fill vacancies that may occur in said board of commissioners.

§ 6. This act shall take effect immediately.

## Chap. 801.

AN ACT for the improvement of the main, middle and north branches of Grass river.

Passed May 21, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Appropriation for improving the main, middle and north branches of Grass river.

Commissioners to expend money.

Quorum.

How appropriation to be expended.

Commissioners to give bonds.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, ten thousand dollars in the year eighteen hundred and seventy-two, and ten thousand dollars in the year eighteen hundred and seventy-three, for the purpose of improving the main, middle and north branches of Grass river, which moneys shall be expended by and under the direction of Jeremiah Traver, Lucius Moody and the State Engineer and Surveyor, who are hereby appointed to constitute a board of commissioners to carry into effect the provisions of this act. A majority of said commissioners shall constitute a quorum for the transaction of business.

§ 2. The said sum of twenty thousand dollars, so appropriated for the purpose aforesaid, shall be expended by said commissioners in clearing and improving the channels of the main, middle and north branches of said river, and in erecting dams, slides, piers, booms and such other erections as said commissioners shall deem most conducive to the improvement of said river for the passage of logs, timber and lumber over and through said channels.

§ 3. The said commissioners, excepting the said State Engineer and Surveyor, before entering upon the duties of their said office, shall execute and file in the office of the Comptroller of this State a bond in the penal sum of forty thousand dollars, with sufficient sureties, to be

approved by the Comptroller, conditioned for the faithful performance of their duties.

§ 4. The said commissioners shall receive no compensation for their services out of the moneys hereby appropriated. They shall, between the first and tenth days of December in each of said years, make and file with the Comptroller a report, under oath, of their proceedings, including a detailed statement of all their expenditures under this act, and thereupon the Comptroller shall draw his warrant upon the Treasurer for the amount of such expenditures, payable to the order of said commissioners, not exceeding the amount hereby appropriated.

Not to receive compensation.

To report to Comptroller.

§ 5. In case of the death, resignation, refusal to serve, or removal from the county, of all or either of the above commissioners, such vacancy shall be filled by appointment, in writing, to be made by the county judge of St. Lawrence county, such appointee to be a resident of the town of Canton, and such appointment to take effect so soon as the person or persons so appointed shall file the bail required by the third section of this act, and said appointment be filed in the office of the Secretary of State.

Vacancies, how filled.

§ 6. This act shall take effect immediately.

## Chap. 802.

AN ACT to incorporate the New York Coal Exchange and to confer certain powers upon it.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. John White, Seymour W. Ely, Elisha Packer, John H. Swoyer, G. L. Stout, Robert Taylor, John C. McCarthy, William Wilson and Frederick A. Potts, and all other persons who may hereafter become associated with them under the provisions of this act, are hereby created a body corporate by the name of the New York Coal Exchange, with succession, and power to use a common seal and alter the same at pleasure, to

Corporators.

Corporate name and powers.

and allegations, shall be deemed the award of the arbitration committee, and shall be valid and binding on the parties thereto. Such award shall be made in writing, subscribed by the members of the committee concurring therein, and attested by subscribing witnesses.

§ 9. This act shall take effect immediately.

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## Chap. 803.

AN ACT to amend an act entitled "An act to incorporate a seminary of education under the name of the Tracy Female Institute," passed April seventeenth, eighteen and fifty-seven.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of "An act to incorporate a seminary of education under the name of the Tracy Female Institute," passed April seventeenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Corpora-  
tors.

Corporate  
name and  
purpose.

§ 1. Lucilla Tracy and her associates of the city of Rochester are hereby declared and constituted a corporation with succession by her trustees, in number not less than five, to be duly appointed by herself, by the name and style of the Tracy Female College, to be situated in said city of Rochester for the purpose of establishing, maintaining and conducting an institution for the higher education of women.

§ 2. This act shall take effect immediately.

## Chap. 804.

AN ACT to remove the county site of Queens county, to procure a new county site, to appoint commissioners to erect a court-house and jail, and to provide for expenses of the same.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Edward A. Lawrence, Carman Cornelius, George H. Hunter, Isaac Coles, James Nostrand, Robert Burroughs, and Isaac H. Cock are hereby appointed commissioners under this act, to erect a court-house and jail for Queens county, at the village of Mineola, in the town of North Hempstead, in said county, provided, however, the board of supervisors to be elected in said county, on the first Tuesday of April, eighteen hundred and seventy-two, shall, within three months after the passage of this act, designate a site for said court-house at any place in said county, by a majority vote, giving the supervisor of Long Island City a vote in said board on that question; and in case they do not by a majority vote otherwise determine, then said court-house shall be built at Mineola, in said county. The said commissioners shall receive each, for services actually rendered under this act, the same compensation as made and provided by law to members of board of supervisors while in attendance upon the sessions of the board; but no commissioner shall receive compensation for more than one hundred days in any one year; and the said commissioners shall present their accounts of moneys received and expended under the provisions of this act, verified by the affidavit of the treasurer of said commission, to the board of supervisors of said county, at their annual meeting in each year; and upon the completion of said building or buildings, they shall immediately thereafter present a full report of the moneys received and disbursed by the said commissioners, which shall be deemed a final accounting of the same.

Commissioners to erect court-house and jail.

Supervisors to designate site by majority vote.

Compensation of commissioners.

Accounts to be presented to board of supervisors.

Vacancies, how filled.

§ 2. Should any vacancy or vacancies occur in said commission, either by the death, resignation, removal from the county, or refusal to serve of any member or members of the same, said vacancy or vacancies shall be filled by the vote of a majority of the commissioners.

Survey and description of site.

§ 3. The said commissioners, or a majority of them, shall, on or before the first day of September, one thousand eight hundred and seventy-two, file a survey and description of said site in the office of the clerk of said county, with a certificate that they have selected the same for the purposes mentioned in this act; and the said commissioners are hereby authorized and required to procure a good and sufficient conveyance in fee of the title to the lands so selected as a site to the supervisors of the said county, for said county, which conveyance shall be recorded in said county clerk's office.

Commissioners directed to build court-house and jail.

§ 4. The said commissioners, or a majority of them, are hereby authorized and required to cause to be erected and built on the site aforesaid a suitable, proper and convenient building, or suitable, proper and convenient buildings, for a court-house and jail for the use of said county. The said commissioners may let the same, or any part of the same, by contract, upon one month's notice of said letting, published in all the newspapers regularly printed or published in said county, for sealed proposals to the lowest responsible bidder giving satisfactory security for the performance of said work; but said buildings shall be completed on or before the first day of July, one thousand eight hundred and seventy-five.

May let same to lowest responsible bidder.

Commissioners may issue bonds, not exceeding \$150,000.

§ 5. The said commissioners are hereby authorized and empowered to issue the bonds of the said county, in an amount not to exceed one hundred and fifty thousand dollars, which amount, or so much thereof as may be necessary, shall be appropriated to the cost of the building or buildings, and to the cost and improvement of said site, to which this act applies. The said bonds to be issued in denominations of one thousand dollars and five hundred dollars each, with interest at seven per cent. per annum, payable semi-annually, in January and July in each year; the said bonds to bear the signatures of the chairman and secretary of the board

Denomination, etc., of bonds.



of commissioners, designated by a majority of said board, and the date of their issue, and to whom, shall be registered in a book to be kept by the secretary of said board, which book or a duplicate thereof, shall be filed in the county clerk's office of said county. The said bonds shall be issued only as may be actually required to meet the expenditures of said commissioners, and the interest upon said bonds shall be levied and collected annually by the board of supervisors of said county, at the same time and in the same manner as the annual taxes in said county are levied and collected. In the year one thousand eight hundred and seventy-six the board of supervisors of said county shall cause to be inserted in their annual tax levy, the sum of ten thousand dollars, in payment of a portion of the principal of said bonds, and an equal sum in every year thereafter, until the principal and interest of said bonds shall be paid.

Interest  
to be col-  
lected  
annually.

Amount  
to be in-  
serted in  
tax levy  
of 1876  
and every  
year  
there-  
after.

§ 6. It shall be the duty of said commissioners, before they enter upon the performance of the duties required of them by this act, to take an oath, before the said board of supervisors of said county, well, faithfully and honestly to perform the same, and shall immediately thereafter, each give a bond to the board of supervisors of said county, with sufficient surety, to be approved by the county judge of Queens county, in the penalty of ten thousand dollars, conditioned for the faithful application of the moneys by them received and expended under this act, and to render a just and true account thereof to the said board at its annual meetings, until the expiration of their duties under this act; and the said commissioners shall, at that time, present their claims for services duly verified, and the board of supervisors shall allow and pay the same as any other county charge.

Official  
oath and  
bond.

§ 7. When, in the judgment of the board of commissioners and the county judge of the county of Queens, or a major part of them, the court-house shall be so far completed as to be convenient and suitable for holding courts therein, and the jail for the reception and confinement of prisoners, they shall cause a certificate thereof to be filed in said county clerk's office, under

Certificate  
to be  
made  
when so  
far com-  
pleted as  
to be suit-  
able for  
holding  
courts,  
etc.

When to  
become  
court-  
house and  
jail of  
county.

Business  
to be  
transacted  
at new  
court-  
house.

Prisoners  
to be re-  
moved to  
new jail.

their hands and seals, and shall cause a copy thereof to be served upon the sheriff of said county, and the said buildings or building shall, in one week thereafter, be and remain the court-house and jail of said county, and thereafter the said place shall be the county seat of said county.

§ 8. When the said court-house and jail shall be completed as hereinbefore provided, all business required by law to be held at the court-house in said county shall thereafter be transacted and held at said new court-house. It shall be the duty of the sheriff to remove all prisoners confined in such old jail or jail limits to the new jail, the jail limits whereof shall be established in the manner now provided by law, and so soon as said new jail limits are established as aforesaid, he shall remove all prisoners confined within the old jail limits to the new, and bonds given for the limits as bail to the said sheriff shall remain as valid and effectual at law as before such removal, nor shall any such removal be deemed an escape.

§ 9. This act shall take effect immediately.

## Chap. 805.

### AN ACT to incorporate the Bay Ridge Contracting Company.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

Corporate name.

SECTION 1. S. M. Beckley, Abm. Wakeman, E. B. Litchfield, James W. Murphy, W. R. Grace, Robert Turner, I. Grosjean, Michael McCormick, Henry M. Onderdonk, T. C. Geutchins, Henry W. Barrow, William Savage, William M. Price and their associates, shall be and they are hereby authorized and declared to be a body corporate and politic in fact and in law, by the name of the Bay Ridge Contracting Company, and by that name shall have succession, and may sue and be sued in any court whatever, contract and be contracted with, and have and use a common seal, and the same may change at pleasure, and may make by-laws and

regulations for the government of their affairs not inconsistent with the Constitution or laws of this State or the United States.

§ 2. The said corporation is hereby authorized to contract with any person or company having the power or franchise to build, construct, enlarge or complete in whole or in part, any railroad or other work of public improvement, and to receive in payment therefor, cash or bonds, or shares of railroad companies or other corporations, and securities issued by any government, State, county, town or other corporation, municipal or otherwise, and to become an agency for the sale and purchase of the securities so received in payment, and for the purpose of their said business to lease, purchase, hold, convey, mortgage and exchange real or personal property.

Corporate powers.

§ 3. The capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each; but when one hundred thousand dollars shall be subscribed, and twenty per cent. thereof shall have been paid in, the said company may organize and proceed to business. The capital stock may, from time to time, be increased to an aggregate amount not exceeding one million dollars, but no increase shall be made without in each case the consent in writing of two-thirds in amount of the stockholders at the time of such increase, which shall in all cases be made in conformity to law.

Capital stock.

Increase of.

§ 4. The five persons first named in section one shall be and they are hereby appointed commissioners to open books of subscription to the capital stock of said company, at such time and place as they shall deem proper, and their certificate, signed and acknowledged and filed in the office of the clerk of the county of Kings, that one hundred thousand dollars have been subscribed and twenty per cent. thereon paid in in cash, shall be evidence of the authority of said company to commence business.

Commissioners to open books of subscription to stock.

§ 5. The corporate powers of said company shall be exercised by a board of not less than five nor more than thirteen directors, each of whom shall be a stockholder, and a majority of whom shall constitute a quorum for

Affairs to be managed by board of directors.

**First  
directors.**

**Election  
to be  
held  
annually.**

**Officers.**

**Vacancies.**

**Location  
of principal  
office.**

**Liability  
of stock-  
holders.**

**General  
powers.**

the transaction of business. The persons named in the first section of this act shall be the first directors, one of whom shall be elected president of said company, and shall hold his office until the next annual election, and until his successor shall be chosen. An election shall be held on the first Tuesday of April of each year, commencing April, eighteen hundred and seventy-three, for directors, whose term of office then expire. If an election of directors shall not be made on the day appointed in this charter, it shall be lawful to hold an election at any time within ninety days thereafter.

§ 6. The directors, immediately after any annual election, shall choose from their body a president, who shall serve for one year, or until his successor shall be chosen; and also a vice-president, who shall act in case of the death, resignation, absence or inability of the president to serve. They shall fill vacancies in either office from among the remaining directors. The directors shall also appoint a secretary and treasurer, and may appoint such engineer, counsel, agent, clerks and servants, as may be necessary to carry on the business of the company. All vacancies in the board of directors shall be filled by the remaining members of the board for the unexpired portion of the year.

§ 7. The principal office of the company shall be in the city of New York, but the directors, under such rules and regulations as they may prescribe, may establish branches and agencies elsewhere in the county of Kings, State of New York.

§ 8. Each stockholder of said company shall be individually liable to the creditors of said company for all debts and liabilities of the company, to an amount equal to the amount unpaid on any stock subscribed for or held by him, but shall not be liable to an action therefor before an execution shall be returned, not satisfied in whole or in part, against the company.

§ 9. The said corporation shall possess the general powers, and shall be subject to the general restrictions and liabilities, contained and prescribed in the eighteenth chapter of the first part of the Revised Statutes.

§ 10. This act shall take effect immediately.

## Chap. 806.

AN ACT to amend an act entitled "An act to incorporate the House of the Evangelists in the city of New York," passed May sixth, eighteen hundred and seventy.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The third section of the act entitled "An act to incorporate the House of the Evangelists in the city of New York," passed May sixth, eighteen hundred and seventy, is hereby amended by striking out the word "one" and inserting the word "five" in place thereof.

Third  
section  
amended  
by strik-  
ing out  
"one"  
and in-  
serting  
"five."

§ 2. This act shall take effect immediately.

## Chap. 807.

AN ACT to amend an act entitled "An act to incorporate the Brevoort Savings Bank of the city of New York," passed May twelfth, eighteen hundred and sixty-nine.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The "Brevoort Savings Bank" of the city of New York may be located in the fifteenth or sixteenth ward of said city.

Location  
of bank.

§ 2. This act shall take effect immediately.

## Chap. 808.

AN ACT to amend an act entitled "An act in relation to the Troy Water-works," passed March ninth, eighteen hundred and fifty-five.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Water commissioners to examine and survey Piscawin creek and tributaries.

SECTION 1. It shall be lawful for the water commissioners of the city of Troy to examine and survey, or cause to be examined or surveyed, whenever in their opinion it shall be necessary, the Piscawin creek and its tributaries, the waters of which are now used for the Troy Water-works, for the purpose of ascertaining the situation thereof, and the condition and quality of the water thereof, and shall, for that purpose, have the right of ingress and egress to and from the said streams, doing, however, no unnecessary injury to the lands or erections adjoining or upon said creek or its tributaries. The said water commissioners shall also have the power to protect and improve the channel and banks of the said Piscawin creek in such manner as said water commissioners shall deem best or expedient to protect, purify and confine the water of said streams in its proper channel.

To protect and improve channel and banks.

No slaughter house, barn yard, privy, etc., to be erected or maintained so near said creek as to affect water.

Commissioners to give notice to owner to remove same.

§ 2. It shall not be lawful for any person to erect, use or maintain any slaughter house, barn yard, privy or factory on said Piscawin creek nor so near the same as to cause the water of said creek to become impaired, adulterated, contaminated or impregnated with or by any substance or matter which in the judgment of said water commissioners shall tend to render such water impure, unwholesome or unfit for drinking or for family use. In case any such slaughter house, barn yard, privy or factory heretofore erected or which shall be hereafter erected, used, or maintained shall, in the judgment of the said water commissioners affect the water of said creek injuriously, the said water commissioners may give the owner or occupant of such slaughter house, barn yard, privy or factory, notice in writing to remove the

same and cease to use or maintain the same, and in every such case the owner or occupant shall, within three days after receiving such notice, cease to use or maintain the said slaughter house, barn yard, privy or factory.

§ 3. Every person who shall violate any of the provisions of this act shall, for each and every offense, forfeit and pay a penalty of three hundred dollars, to be recovered in an action brought in the name of the city of Troy and for its benefit. In any such action the occupant or owner of such slaughter house, barn yard, privy or factory may be restrained, by injunction granted by the Supreme Court or any justice thereof, or by the county judge of Rensselaer county from erecting, using or maintaining the same during the pendency of the action, and on the trial the court may, in addition to rendering judgment for the penalty aforesaid with costs, order said slaughter house, barn yard, privy or factory to be removed; and restrain the owner or occupant perpetually from using or maintaining any such building or structure.

Penalty  
for viola-  
tion of  
provisions  
of this  
act.

§ 4. This act shall take effect immediately.

## Chap. 809.

AN ACT to authorize the construction of a sewer in the county of Kings, from the county buildings at Flatbush in said county.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Phillip S. Crooke, Henry Hawks and Ephraim Roberts are appointed commissioners by this act and authorized to cause surveys to be made for the route of a sewer from the county building at Flatbush, to the waters of Jamaica Bay or its tributaries, to employ surveyors and assistants therefor, to enter upon any lands for such purpose, to decide upon the route for such sewer, and, when so decided, to file a map thereof in the office of the county clerk of Kings county.

Commis-  
sioners to  
cause  
survey for  
route of  
sewer  
from  
county  
building  
at Flat-  
bush to  
Jamaica  
Bay.

To lay  
and con-  
struct  
sewers  
and take  
necessary  
real  
estate,  
etc.

Title of  
lands  
taken to  
vest in  
board of  
super-  
visors.

Board of  
super-  
visors to  
levy and  
collect  
necessary  
moneys to  
pay ex-  
pense of  
construc-  
tion.

Commis-  
sioners  
may take  
maps and  
papers  
heretofore  
made.

Compensation of  
commis-  
sioners.

§ 2. The said commissioners are authorized to lay and construct such sewers in and through any public highway, and to take any private property necessary for such purpose, making just compensation therefor, to be estimated and assessed by the commissioners to be appointed on the application of any freeholders of the county of Kings, or of any person or persons whose lands are so taken, by the Supreme Court at any special term in the city of Brooklyn. The board of supervisors of Kings county shall become vested with the title to said real estate so taken and required by said commissioners for the purpose aforesaid. In case any of said owners are unknown, are minors, cannot be found or refuse to take such compensation so assessed, then the said commissioners are authorized and directed to pay the same to the treasurer of Kings county, for the credit of such owner or owners who shall be entitled to receive the same.

§ 3. The board of supervisors of Kings county are authorized and directed, on the application and certificate of said commissioners, to levy and collect the moneys to pay the necessary expenses in surveys, for compensation for lands taken, and for the construction of such sewer and the proper incidental expenses in carrying out the purposes of this act, upon all the real and personal estate in said county of Kings, in the same manner as other county expenses.

§ 4. The commissioners named herein are authorized to take and receive from the board of supervisors of Kings county, all maps and papers heretofore made and now in possession of said board, relating to the construction of a sewer from said county buildings to the tide water, and when they shall have discharged their duties to return the same to said board, together with all the papers relating thereto; and a full report of all their acts in this matter to be filed with the clerk of said board.

§ 5. The commissioners named in the first section of this act, shall be paid three dollars per day while actually engaged in the performance of duties imposed on them by this act, and they shall not be interested in or receive any money or valuable thing from any con-



tract or matter involved in their duties, under penalty of being guilty of a misdemeanor.

§ 6. The commissioners of estimate named in the second section of this act shall be paid three dollars for each day necessarily employed in their duties, to be certified by the commissioners of construction. Compensation of commissioners of estimate.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 8. This act shall take effect immediately.

## Chap. 810.

AN ACT in relation to the Williamsburgh Dispensary, to change the corporate title thereof, and to define and enlarge its powers.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Williamsburgh Dispensary, in the city of Brooklyn, shall hereafter be called and known as the Brooklyn Eastern District Dispensary and Hospital. The trustees thereof shall have power to fix and determine, in their by-laws, how many of their number shall constitute a quorum for the transaction of business. They shall also have the right and power to take and acquire by purchase, gift, devise and bequest, any and all such real and personal estate as they may deem necessary, not exceeding in real estate the sum of one hundred thousand dollars, and to hold, convey and dispose of the same for the purposes of their corporation, and, generally, shall have, hold, possess and enjoy the same powers, privileges, annuities, appropriations, donations, moneys and property, and be subject to the same liabilities and responsibilities as under their former title. Name changed.  
By-laws.  
Corporate powers.

§ 2. The said trustees shall make and furnish the necessary accommodations and equipments for the immediate medical or surgical treatment of all such persons as may require the same, but shall not be required Trustees to furnish necessary accommodations, etc., for immediate

medical or surgical treatment for all such persons as require the same.

to continue such treatment, to any one patient, for a longer time than forty-eight hours, except to the indigent sick or wounded residing in the eastern district of said city. They may, in their discretion, also employ, not to exceed three physicians, whose duty it shall be to extend medical relief at the houses of the indigent sick in said district.

\$3,000 to be annually levied and paid over to trustees for support of said hospital.

§ 3. For the maintenance and support of the said dispensary and hospital, and to assist in defraying the expenses thereof, the joint board of aldermen and supervisors of the city of Brooklyn, or other properly constituted authority of said city, shall cause the sum of three thousand dollars to be annually included, levied and collected in the general taxes in said city, and shall pay over the same to the said trustees.

§ 4. This act shall take effect immediately.

## Chap. 811.

AN ACT for the improvement of First street and Franklin street, in the city of Brooklyn.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Carriage-way in First and Franklin streets to be repaired.

SECTION 1. The permanent board of city works of the city of Brooklyn is hereby authorized and directed, without unnecessary delay, to cause the carriage-way in First street, from Division avenue to Bushwick street, and Franklin street, from Bushwick creek to its termination at Newtown creek, to be repaved, from curb to curb, with stone of such kind, and in such manner, as said board may deem best for the interests of said streets and of the city.

Cost to be included in one contract, for each, and let after advertisement to lowest responsible bidder.

§ 2. The cost of the repavement of each of said streets shall be included in one contract, for each, and the same shall be let, after ten days' advertisement for proposals for said work, in the corporation newspaper of the city of Brooklyn, to the lowest responsible bidder for the kind of pavement adopted by the said board.

§ 3. The expenses of the repavement of each street, as hereby authorized and directed, shall be paid, one-third by the city, and two-thirds shall be levied on a district of assessment extending one hundred feet on each side of the line of the improvement on each of said streets respectively, and all laws applicable to the repavement of streets in the city of Brooklyn, and providing means for paying the cost thereof, for levying, assessing and collecting the same, not inconsistent with the provisions of this act, shall apply hereto.

Expenses to be paid, one-third by city, and balance by property owners.

§ 4. For the purpose of facilitating the repavement herein provided for, said board shall have power to cause the tracks of the railroad on said avenue and street to be conformed to the grade thereof by the company owning the same. In case any company shall refuse or neglect to do the said work when required, the said board shall have power to make the necessary alterations of the said tracks, at the expense of the owner or owners thereof, and the expenses shall be a lien on the property and franchise of said railroad until fully discharged and paid by the owners thereof.

Railroad tracks to be made by companies to conform to grade. Proceedings in case railroad companies refuse.

§ 5. Nothing in this act contained shall authorize the issue of any bonds of the city of Brooklyn, beyond the amount limited for local improvements in and by the act entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," passed May tenth, eighteen hundred and seventy-two. All contracts under the provisions of this act shall be subject to the provisions of the said act of May tenth, eighteen hundred and seventy-two.

Not to authorize issue of bonds beyond amount limited.

§ 6. This act shall take effect immediately.

## Chap. 812.

AN ACT to confirm, reduce and levy certain assessments on the city of Brooklyn.

Passed May 21, 1872; three-fifths being present.

Whereas, various streets and avenues in the city of Brooklyn have been repaved, and improved by various public boards and officers, with improved and expensive pavements and materials, which said streets are more

Preamble.

particularly enumerated and described as follows: Atlantic avenue from South Ferry to Henry street; Atlantic avenue from Henry street to Flatbush avenue; Columbia street from Hamilton avenue to Atlantic street; Cumberland street from Myrtle avenue to Atlantic avenue; First place from Henry street to Smith street; Flatbush avenue from Fulton avenue to Prospect park; Fulton avenue from Fulton street to Bedford avenue; Henry street from Fulton street to Fourth place; Joraleman street from Hicks street to Fulton avenue; Montague street from Pierrepont place to Court street; Pierrepont street from Willow street to Fulton street; Portland avenue from DeKalb avenue to Atlantic avenue; Schermerhorn street from Clinton street to Flatbush avenue; Smith street from First place to Third street; Clinton street from Fulton street to Second place; Union street from Columbia street to Gowanus canal; Hanson place from Fulton avenue to Flatbush avenue; South Oxford street from Lafayette avenue to Fulton avenue; Fort Green place from DeKalb avenue to Atlantic avenue; St. Felix street from DeKalb avenue to Fulton avenue.

Whereas, the said city has disbursed and paid out the money required to make the aforesaid improvements, having borrowed the same upon bonds by it made and issued under its corporate seal as by law provided; and

Whereas, the said city has, in fact, assessed and levied, or is now assessing and levying the cost and expenses of each of said improvements upon several local districts of assessment adjacent to each of said improvements; which said several local districts have been heretofore fixed and determined by the common council or the permanent board of water and sewerage commissioners of said city, and are now of public record in said city; and

Whereas, the said common council, or the said permanent board of water and sewerage commissioners, have also caused the cost of each of said improvements to be fixed and determined by various several resolutions, also now of public record in said city; and

Whereas, the cost of the said several improvements as heretofore fixed as aforesaid, has been apportioned

and assessed within three years last past, by the board of assessors of said city, upon the several pieces or parcels of land situate in the several respective districts of assessments described as aforesaid, and most of said assessments made and apportioned as aforesaid, have been confirmed by the common council of said city, and are now in process of collection from the lands upon which said assessments have been made as aforesaid; and

Whereas, the legality of said several assessments has been denied, and the cost and expense of the same fixed as aforesaid, has been found burdensome to the property charged therefor, now therefore,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Two-thirds, and no more, of the cost and expense of each of the said several local improvements, as fixed by said several resolutions of record as aforesaid, together with interest as hereinafter stated, is hereby made a lien and assessment on the lands and premises included in the several respective districts of assessment adjacent to each of such improvements, which said several districts have been heretofore fixed and are now of record as aforesaid; and two-thirds, and no more of each of the said several assessments, together with interest, as hereinafter stated, is hereby levied on the several pieces of land and premises within said several and respective districts, and in the same proportions in which the same have already been assessed and apportioned thereon as aforesaid, levied as a tax to be collected and applied by said city, for the uses and the purposes pertaining thereto, and in the manner hereinafter provided, and the other one-third of the cost and expense of the said several and respective improvements shall be a general city charge, and the lands and premises included within the said several respective districts shall not be charged therewith, but shall be and are hereby discharged and freed from all and every lien or assessment for such one-third.

§ 2. The proceedings heretofore had for the purpose of levying, laying or apportioning said several sums herein-

Two-thirds of cost and expense of improvements made a lien upon premises included in assessment districts.

One-third a general city charge.

Proceedings heretofore had

legalized  
and made  
valid as to  
two-thirds  
only of  
sums  
levied.

before levied and taxed as aforesaid upon the lands and premises situated in the said several districts of assessment, respectively, are hereby confirmed and made legal and valid as to only two-thirds of each of said sums, and of each and every sum heretofore so levied and apportioned as an assessment on any particular piece or parcel of land two-thirds only of the same shall be collected therefrom; and as to the remaining one-third of each of said sums and assessments, such proceedings shall be deemed of no force or effect, and the said particular pieces or parcels of land on which the same have been respectively assessed and apportioned as aforesaid, and the owners thereof are as to such third discharged and freed from such assessment due from any lien therefrom.

Only two-  
thirds of  
sums here-  
tofore  
levied to  
be col-  
lected.

§ 3. All such assessments for any or either of said local improvements which have heretofore been apportioned and assessed on the pieces or parcels of land in said respective districts of assessments, and which have been confirmed by the common council of said city, and are now in the hands of the collector of taxes and assessments of said city for collection shall, as to two-thirds thereof only, be collectable in the following manner, that is to say: the said collector shall first deduct from each of the sums assessed on any piece or parcel of land one-third of the amount thereof, and to the remaining two-thirds he shall add the interest on such two-thirds, computed at the rate of seven per cent. per annum, from the date when each of said assessments was first payable in his office as aforesaid until fifteen days after the passage of this act; and such several remaining two-thirds sums, with interest added as aforesaid, and no other or greater sums by reason of such tax, assessments or improvements, shall be liens on said several pieces or parcels of land, and the said reduced sums shall thereupon become due and payable, and shall be collected in the following manner: twenty per cent. thereof within thirty days from the passage of this act; twenty per cent. thereof on the first day of June, eighteen hundred and seventy-three, together with interest on the amount of said assessment remaining unpaid; twenty per cent. thereof on the first day of June, eighteen hundred and

How col-  
lected.

When col-  
lected.

seventy-four, together with interest as aforesaid; twenty per cent. thereof on the first day of June, eighteen hundred and seventy-five, together with interest as aforesaid; and the remainder of said assessment, with interest, on the first day of June, eighteen hundred and seventy-six. In case of a failure or neglect to pay any of said installments within thirty days after the same shall become due and payable, as herein provided, then the whole amount of the assessment hereby levied and assessed upon any piece or parcel of land in regard to which default shall be made, shall become due and payable, and the collector shall proceed to collect the same in the same manner as collections of assessments have been heretofore made after the expiration of warrants for the collection of the same.

Whole amount to become due and payable in case of neglect to pay installments within thirty days after the same become due.

§ 4. To all such several sums payable as aforesaid, which shall not be paid within said thirty days, there shall be added monthly for ten successive months, during which the same shall remain unpaid, the sum of one per cent. per month default, and after that interest as heretofore provided by law in reference to assessments in said city unpaid after the period of ten months from the time the same became due and payable.

Interest at the rate of one per cent. per month, for ten months, to be added.

§ 5. All such assessments for any of said local improvements hereinbefore enumerated, which have been apportioned and confirmed by the board of assessors of said city, but have not been duly confirmed by the common council, shall be reduced as hereinbefore directed as to the other assessments, and shall become due and payable, and be collected in the same manner as provided in section three of this act; and to such reduced sums there shall be added interest thereon from the date of such confirmation to a day fifteen days after the passage of this act; and thereupon such reduced sums, with interest, and no other or greater sum by reason of such tax, assessment or improvement, shall thereupon immediately be levied and confirmed by the common council, and shall be placed in the hands of the said collector of taxes and assessments for collection.

Assessments made, but not confirmed by common council, to be reduced, become due and be collected as hereinbefore provided.

§ 6. Any separate piece or parcel of land on which an assessment has heretofore laid or lien in any way obtained for any or either of the improvements herein-

Upon payment of two-thirds of assess-

ment heretofore laid. Lien to be discharged.

before enumerated, shall be forever discharged therefrom, and from all lien, cloud, tax, assessment, or encumbrance created in any manner by this act upon the payment of the two-thirds sum (with interest and default) upon it specifically apportioned and charged as hereinbefore stated or provided, and upon payment of such two-thirds the collector or other officer receiving the same shall certify upon the official record of such assessment that the said assessment is canceled and discharged.

Proceedings to vacate or reduce assessments, how to be discontinued.

§ 7. All actions or proceedings to reduce or vacate any or either of said assessments may be discontinued upon the consent, in writing, of the attorney for the parties prosecuting such action or proceedings within thirty days after the passage of this act; and the attorney and council of said city shall, within sixty days after the passage of this act, by a notice in writing of not less than eight days, to each of the attorneys for the adverse or other parties to such action or proceedings in which consents have been given as heretofore provided, cite them to appear at the same time and place, at a special term of the Supreme Court to be held in and for the county of Kings, whereupon the costs and reasonable allowances of the attorneys of record of the respective parties in each of said suits or proceedings shall be fixed by the court, and the said sums fixed by the court as costs as aforesaid shall be paid to such attorneys by the financial officers of said city from the proceeds of moneys collected as aforesaid, and the order of the court fixing and allowing such costs and allowances shall be a full and sufficient warrant for such payment.

Costs to be fixed by court and paid by city.

Parties who have paid assessments in full to be refunded one-third of such payment.

§ 8. All persons who have paid or caused to be paid to said city on their own account any of the assessments or sums assessed on any piece or parcel of land for any of the improvements aforesaid, shall be entitled to receive from the said city one-third of any such sum so paid, and such repayments shall be made from the moneys to be collected as hereinbefore provided.

Claims to be presented with receipt of collector.

§ 9. All claims for such repayments shall be presented to the auditor of the said city, and shall be accompanied by the bill or receipt for such money of the collector of taxes and assessments (or an affidavit explain-



ing the loss of the same); and the auditor may require such other proofs that the party demanding such sums is the person entitled to receive the same, as he shall deem just. The auditor shall thereupon obtain from the collector of taxes and assessments a certificate that the sum so claimed appears upon the books to have been paid, and also stating by whom the same was paid so far as appears thereby; and the auditor shall thereupon audit and pass upon such claim, and if he shall allow the same, his certificate, together with the certificate of the collector of taxes and assessments, as hereinbefore required, shall authorize the proper financial officers of the city to make payment in accordance therewith.

Auditor to procure certificate of payment and audit claims.

§ 10. Any person who shall willfully swear or affirm falsely as to any material fact or matter under oath or affirmation duly administered in the investigation of any such claim before such auditor, shall, upon conviction thereof, be adjudged guilty of perjury. Immediately after the passage of this act, the auditor shall prepare and keep proper books, showing the title of each of said improvements, and the amount of assessment therefor paid on each particular lot, and shall enter therein the name of any person who shall make a claim for repayment on any such sum or amount, and what disposition is made of such claim, but such auditor shall have no power, without a resolution of the common council, in each particular case, to audit any bill under the provisions of this act after one year from the passage of this act.

Persons willfully swearing false to be guilty of perjury.

Books to be prepared and kept by auditor.

§ 11. For the purpose of meeting the deficiencies to arise in said original assessments by reason of the city assuming the liquidation of one-third thereof, there shall be levied and assessed in the annual taxes of said city annually, for five years immediately hereafter, an amount equal to one-fifth of such deficiency, with interest thereon, which annual amount shall be in addition to the amount limited to be raised by tax annually for city and county purposes, in and by the act entitled "An act in relation to the taxes to be annually raised in the city of Brooklyn and county of Kings," passed April nineteenth, eighteen hundred and seventy-one.

Amount to pay deficiency how to be levied and collected.

Avenues  
and streets  
to be re-  
paired at  
expense of  
the city.

§ 12. The said Atlantic avenue, Fulton avenue, Schermerhorn street and Union street, being leading avenues of travel out of the city, shall be repaved when necessary and kept in repair at the sole charge and expense of the city of Brooklyn at large.

§ 13. This act shall take effect immediately.

## Chap. 813.

AN ACT for the relief of the Grand Street, Prospect Park and Flatbush Railroad Company.

Passed May 21, 1872 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Railroad  
company  
may ex-  
tend its  
route.

SECTION 1. It shall be lawful for the Grand Street, Prospect Park and Flatbush Railroad Company, to extend its route with necessary switches, turn-outs and turn-tables, from the present termination of Franklin avenue, in the city of Brooklyn, so that the same shall run in a line in continuation of said Franklin avenue, in the town of Flatbush, and along said Franklin avenue to the intersection of Malbone street, and along said Malbone street to Flatbush avenue, in the town of Flatbush, as the same is now located by a resolution of the town survey commission of Kings county.

May  
grade  
any street  
not graded  
at time of  
laying its  
track.  
Title to  
necessary  
real es-  
tate, how  
acquired.

§ 2. The said railroad shall have the right to grade, at its own expense, to the proper grade, any street or road in said line, which shall not be graded at the time of laying its track thereon.

§ 3. In case it shall be necessary for said company to acquire the title to any real estate on or along said route, the same shall be acquired according to the provisions of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and of the acts amending the same.

§ 4. This act shall take effect immediately.

## Chap. 814.

AN ACT to amend an act entitled "An act to incorporate the Real Estate Trust Company of the city of New York," passed April fourteenth, eighteen hundred and seventy-one.

Passed May 21, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The fifth section of an act entitled "An act to incorporate The Real Estate Trust Company of the city of New York," passed April fourteenth, eighteen hundred and seventy-one, is hereby amended by adding at the end thereof, as follows : To issue the bonds of the corporation and to sell and dispose of the same, and to loan money on the pledge thereof, and to act as agent in selling and pledging thereof when held by other parties ; but the amount of such bonds outstanding at any time shall not exceed the amount of moneys then owing to said corporation upon such bonds and mortgages as shall then be held and owned by such corporation, and the several and respective amounts whereof do not exceed two-thirds of the estimated value of the real estate thereby mortgaged, if improved property, and do not exceed one-half of such estimated value if unimproved ; and such bonds may be made payable to bearer or may be registered bonds. In case of purchase of bond and mortgage, or loan on bond and mortgage, it shall be lawful for the borrower or seller to accept bonds of the corporation in lieu of money on such loan or sale, and in every such case the bond and mortgage, or bonds and mortgages given for the bonds so issued by said corporation ; and the said bonds of the corporation taken therefor shall be valid and of full force, notwithstanding any difference there may be between the rates of interest secured or payable on the said bonds of the corporation and the rate of interest payable on the said bonds and mortgages, or any difference in the market value thereof.

Corporation may issue its bonds, etc., but amount outstanding not to exceed the amount owing to it upon bonds and mortgages.

In case of purchase of, or loan on bond and mortgage, the borrower may accept bonds of the corporation in lieu of money.

To exhibit financial statement annually to Comptroller.

Books to be open to his inspection.

§ 2. The board of directors shall exhibit annually to the Comptroller of this State, on such day as he may appoint, a verified statement of the bonds and mortgages owned by the company, the estimated value of the property upon which such bonds and mortgages are given, the amount of bonds issued by the company, and amount of bonds outstanding. The books of the company shall be open to the inspection of the Comptroller of this State, or his representative, at any time, and the expense of any inspection shall be defrayed by the company in such sum as the Comptroller may certify to be just and reasonable.

§ 3. This act shall take effect immediately.

## Chap. 815.

### AN ACT for the improvement of Myrtle avenue in the city of Brooklyn.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Carriage-way of Myrtle avenue, from Fulton street to Broadway, to be repaved.

SECTION 1. The board of city works of the city of Brooklyn are hereby authorized and directed, without unnecessary delay, to cause the carriage-way of Myrtle avenue, from Fulton street to Broadway, to be repaved, from curb to curb, with stone of such kind and in such manner as said board may deem best for the interest of the city; and also to reset, curb and relay crosswalks, to regrade and to cause new curb and new crosswalks to be set and laid wherever it may be deemed necessary.

Cost to be included in one contract and let to lowest responsible bidder.

§ 2. The cost of the improvement of the said avenue shall be included in one contract for the said avenue, and the same shall be let after ten days' advertising for the proposals for said works in the corporation newspaper of the city of Brooklyn, to the lowest responsible bidder for the kind of pavement adopted by the said board.

One-third expense to be charged city and

§ 3. The expense of the improvement hereby authorized and directed shall be paid, one-third by the city and two-thirds shall be levied on a district of assess-

ment, extending one hundred feet on each side of the line of the improvement, and all laws applicable to the repavement of streets in the city of Brooklyn and providing means for paying the cost thereof, for levying, assessing and collecting the same, not inconsistent with the provisions of this act, shall apply hereto.

balance on premises one hundred feet on each side of the avenue.

§ 4. For the purpose of facilitating the improvement herein provided for, said board shall have power to cause the tracks of the railroad on said avenue to be conformed to the grade thereof by the company owning the same. In case any company shall refuse or neglect to do the said work when required, the said board shall have power to make the necessary alterations of the said tracks at the expense of the owner or owners thereof, and the expenses shall be a lien on the property and franchise of said railroads until fully discharged and paid by the owners thereof.

Railroad tracks to be conformed to grade of avenue.

Proceedings in case companies refuse.

§ 5. Nothing in this act contained shall authorize the issue of any bonds of the city of Brooklyn beyond the amount limited for local improvements in and by the act entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," passed May tenth, eighteen hundred and seventy-two. All contracts under the provisions of this act shall be subject to the provisions of the said act of May tenth, eighteen hundred and seventy-two.

Not to authorize issue of bonds beyond amount limited.

§ 6. This act shall take effect immediately.

## Chap. 816.

AN ACT to amend an act entitled "An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers," passed April twenty-two, eighteen hundred and sixty-four, and the acts amending the same.

Passed May 21, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twelve of an act entitled "An act to create a board of trustees for the town of Morrisania,

in the county of Westchester, and to define their powers," passed April twenty-two, eighteen hundred and sixty-four, is hereby amended so as to read as follows :

Vacancies, etc., in board of trustees, how filled.

§ 12. In case of a tie at an election for trustees of Morrisania, or of a vacancy happening in the board of trustees, the board of trustees may fill such vacancy by appointment, until the first Tuesday of April following, at the election for town offices, after the occurrence of such vacancy; such vacancy shall be filled by election for the unexpired term, if it shall continue after the first Tuesday of April, following such town election.

Collector to collect interest imposed by section fifty-seven.

§ 2. Section sixteen of said act, as amended May six, eighteen hundred and seventy, is hereby further amended, by adding after the words "five per cent. per annum for all moneys collected thereafter," the words: "by him, and he shall also collect the interest imposed by section fifty-seven of said act, and pay such interest to the treasurer of said board, who shall give to such collector his receipt therefor, and credit the same to the contingent fund of said board, and account for the same to said board." Such section is hereby further amended, by adding at the end thereof, the following

To render to board of trustees a report showing amount of moneys collected, etc.

words: At the first regular meeting of said board, in the months of January, April, July and October in each year, and oftener if required by said board, such collector shall render, under his oath, to said board, a report, in writing, showing the amount of moneys collected by him for the preceding three months, or since his last preceding report, upon what account collected, the amount of fees or percentages, and interest collected by him, the date when collected and upon what assessment and particular assessments such fees and interest was collected, and shall attach thereto all receipts received by him from the treasurer of said board within the last preceding three months, or since his last report; and he shall take from said treasurer a receipt in duplicate for all moneys paid to him, which shall show the particular assessment or account, on account of which they were so paid, the amount paid on each account, and the amount paid on account of interest collected as imposed by section fifty-seven of this act; and in case the fees or percentages collected or received by such collector,

To attach to report treasurer's receipts.

Fees in excess of \$1,500, to

shall for any one year, commencing with the date of his appointment, exceed the sum of fifteen hundred dollars, all such fees or percentages in excess of said sum, shall be immediately paid by him to the treasurer of said board, and be by such treasurer passed to the credit of the contingent fund of said board, and be accounted for by him. Such collector shall have his office at the town hall in said town.

be paid to treasurer.

§ 3. Section seventeen of said act, as amended April fourteen, eighteen hundred and sixty-nine, is hereby further amended by adding at the end thereof the following words: Such treasurer shall render such statement to said board at the first regular meeting of said board, in the months of January, April, July and October in each year.

Treasurer to render statement to board.

§ 4. Section eighteen of said act is hereby amended so as to read as follows:

§ 18. The board of trustees may appoint a street commissioner, who shall, under the direction of said board, superintend repairs to streets, roads, highways and bridges, and perform such other duties as the board shall direct. He shall be entitled to receive such compensation for his services as the board of trustees shall prescribe, not exceeding one thousand dollars per annum. He shall not receive or disburse any moneys belonging to the trustees except his salary. All persons who shall perform any work or furnish any materials for repairs to roads or bridges, or for any other purpose, under the employment, charge or direction of said commissioner, shall present their claims for compensation therefor to the board of trustees, to be audited by them the same as other claims against said board are audited; and such claims to entitle the claimant to payment of the same shall be certified by said commissioner to be correct; and such claims or demands, when audited and allowed by said board, shall be paid by the treasurer of said board out of any moneys in his hands available for the payment of the same.

Street commissioner to be appointed.

Compensation of.

Claims for work, etc., on streets, to be presented to trustees.

§ 5. Section nineteen of said act is hereby amended by striking out the words "said overseer of the poor shall render to the board a sworn statement of all moneys received and disbursed by him whenever

Overseer of the poor to render sworn statement to trustees at first regular meeting in January, April, July and October.

Not to appoint police constables, except regular force, except temporarily for suppressing a riot, etc.

Board to publish notice for proposals for furnishing certain materials, etc.

When to accept lowest proposal.

required by said board," and inserting in lieu thereof the following words: "Such overseer of the poor shall render to the board of trustees at their first regular meetings, held in the months of January, April, July and October in each year, a statement in writing, verified by his oath, showing in detail the sums of money paid or supplies furnished by him, giving the names of the persons to whom such moneys were paid or such supplies were furnished by him.

§ 6. Section twenty of the said act is hereby amended by adding at the end thereof the following words: But such board of trustees shall not have power to appoint any police constables, except such as are regularly employed and paid by them as a part of the regular police force of said town, except temporarily for the purpose of preventing or suppressing a riot or breach of the peace, when they have cause to believe that the regular force is insufficient for such purpose; and in such case the constables so appointed shall be under the charge and direction of the officer in command of such regular force. Such appointment shall not continue for more than five days.

§ 7. Subdivision twelve of section twenty-four of the said act, as amended May sixth, eighteen hundred and seventy, is hereby amended so as to read as follows:

12. Whenever the board of trustees of said town shall require any work to be done, or any materials to be furnished, except for repairs upon the public streets or highways of said town, or the publication of legal notices or advertisements, the probable cost of which will exceed one hundred dollars, said board shall publish a notice once in each week, for two weeks, in a newspaper published in said town, stating the nature of the work required to be done, or the materials to be furnished, and if necessary, referring to specifications to be filed in the town clerk's office, and inviting sealed proposals for doing such work, or furnishing such materials, stating the time and place, which shall be at a public meeting of said board, when such proposals will be opened. At the time and place stated in said notice, said board shall open and consider such proposals, and shall accept the proposal of the person who offers



to do the required work, or furnish the materials required, for the lowest price, if such proposal shall be satisfactory to said board, and the person presenting it is a competent and suitable person for doing the proposed work or furnishing the proposed materials. No proposal other than the lowest shall be accepted by said board, unless the lowest shall be rejected as above provided. In case such lowest bid shall be rejected as above provided, such board may accept the next lowest bid if they think proper to do so. If a quorum be not present at such meeting, the proposals shall not be opened until a subsequent regular meeting of said board, when a quorum shall be present. If such board shall accept any proposal other than the lowest, or the next lowest as above provided, the person whose proposal shall be so accepted, in the event of his performing the required labor, or furnishing the required materials, shall not be entitled to receive or recover payment for the same; and in case the said board shall pay for the same, the person or party receiving such payment, or any trustee who shall vote in favor of such payment, shall be liable to repay the same with interest, at the suit of any person or party who shall be entitled to sue for the recovery of the same. No money shall be paid by said board, or its treasurer, for any purpose, nor any indebtedness be created by said board for any purpose unless by the affirmative vote of a majority of all the members elected to such board. All claims against said board of trustees or the town of Morrisania, except salaries or compensation of officers or persons appointed by said board or elected by the people, for any work performed for or materials furnished to said board or town, shall be set forth in items, and be accompanied by an affidavit of the claim in the following form:

" , being duly sworn, says that he is the owner of the claim herewith presented, that such claim is in all respects just and true, and that no part thereof has been paid, and that he has not paid or promised to pay to any member of the board of trustees, or any officer of said town, or appointee of said board, or to any person or persons, for his or their use, any money or other

When next lowest.

Not to be opened unless quorum is present.

In case board accepts any proposal, except lowest or next lowest, the party doing work or furnishing materials not to be paid.

Affirmative vote of a majority necessary to order payment of money.

Claims to be set forth in items and verified.

Form of verification.

Penalty  
for false  
swearing.

Any tax  
payer may  
maintain  
an action  
for any  
moneys  
paid in  
violation  
of this  
section.

consideration to secure his employment in the performance of such labor, or the furnishing of such materials, or to influence in any way the auditing or payment of his demand by said board." Any person who shall swear falsely in such affidavit shall, upon conviction in any court having jurisdiction of similar offenses, be guilty of perjury, and shall forfeit all right to recover for his said demand. Any tax-payer of the town of Morrisania may maintain an action against the proper person or party to recover, for the benefit of said town, any moneys that shall be paid in violation of this section, or that shall be illegally paid by said board to any person or party, or to restrain the commission of any illegal act contemplated by said board, or to set aside any illegal act of said board now or hereafter to be committed, but such tax-payer so suing may be required to give security for costs in the manner provided by title two, chapter ten, part three of the Revised Statutes.

§ 8. Subdivision thirteen of section twenty-four of the said act, as amended May sixth, eighteen hundred and seventy, is hereby repealed.

Words  
stricken  
out.

§ 9. Subdivision seven of section twenty-five of the said act, as amended March twenty-one, eighteen hundred and seventy-one, is hereby further amended by striking out the following words: "And also the sum of four thousand five hundred dollars for the erection of a bell-tower, and to provide a suitable bell to be placed therein, for the purpose of giving alarms of fire in said town."

§ 10. Section thirty-nine of the said act is hereby amended by adding at the end thereof the following words:

Proceed-  
ings on  
appeal.

Upon the appeal authorized by section thirty-eight of this act, it shall be the duty of the board to examine the matters in controversy upon such appeal, including the awards and assessments complained of, and at the request of either party, shall either take proofs orally or by affidavit, or refer it to a referee to take proof, in relation to the matters complained of, and upon the coming in of the referee's report, the board may make such order as is provided for in this section. An appeal may be taken by either party to the general term of the

Either  
party may  
appeal.

Supreme Court. No reference shall be ordered by the court, at the request of the party bringing the appeal, unless he shall, within the time fixed by the court, file with the clerk of the county of Westchester, a bond executed by the appellant and two sureties, in the sum of at least two hundred and fifty dollars, as security for the payment by the appellant, in case he shall finally be unsuccessful in his appeal, of the costs of such reference. The said court shall be, at all times, open for such business as may be brought before it under this or the preceding section.

Reference not to be ordered at request of the party bringing appeal unless he files bond as security for costs.

§ 11. Section forty-two of the said act is hereby amended so as to read as follows:

§ 42. The commissioners of estimate and assessment to be appointed as aforesaid, shall be allowed three dollars for each and every day while actually and necessarily employed in and about their duties, but not exceeding thirty dollars. Such commissioners shall, before being entitled to any compensation, present to the board their affidavit stating the number of days and the particular days they were actually and necessarily employed in making such assessment, and such compensation and the fees and charges of surveyors and other persons shall be estimated as part of the expenses of the improvement, and be afterward taxed by the board of trustees. No allowance shall be made to any person by the court other than those allowed by the trustees.

Compensation of commissioners of estimate.

To present affidavit to board stating number days employed, etc.

§ 12. Section forty-eight of the said act is hereby amended by adding at the end thereof the following words:

The board of trustees may, for any cause, if they shall deem it advisable, remove all or either of such commissioners and appoint others in their places, and in case any commissioner who shall be appointed by them shall decline to serve, said board may appoint another commissioner in his place.

Board may remove commissioners for cause.

§ 13. Section forty-nine of the said act is hereby amended by adding at the end thereof the following words:

Such commissioners shall be entitled to the same compensation as is provided for commissioners of estimate and assessment in section forty-two of this act,

and shall present to said board the same evidence of the services performed by them, as in that section provided.

§ 14. This act shall take effect immediately.

## Chap. 817.

AN ACT to regulate the practice of pharmacy and the sale of poisons in the city and county of New York.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Duly registered pharmacists only to retail, compound or dispense medicines.

SECTION 1. It shall be unlawful from and after the first day of June, one thousand eight hundred and seventy-two, for any person unless a registered pharmacist, known as a graduate in pharmacy, or, as a licentiate in pharmacy within the meaning of this act, to open or conduct any pharmacy or store for retailing, dispensing or compounding medicines or poisons in the city and county of New York, except as hereinafter provided.

Qualifications of persons to be registered.

§ 2. Any person, in order to be registered, shall be either a graduate in pharmacy or a licentiate in pharmacy, or a graduate having a diploma from some legally constituted medical college or society.

Graduates of pharmacy.

§ 3. Graduates of pharmacy, within the meaning of this act, shall be those persons who have had at least four years' experience in stores where prescriptions of medical practitioners have been compounded, and who have obtained a diploma from any college of pharmacy within the United States or from some authorized foreign institution or examining board; and licentiates in pharmacy shall be those persons who have had at least four years' experience in stores where prescriptions of medical practitioners are compounded, and who shall have passed an examination either before the board for the examination of and licensing druggists and prescription clerks in the city of New York, established by an act passed March twenty-eight, one thousand eight hundred and seventy-one, or before the board of

Licentiates in pharmacy.

pharmacy to be created by this act, or such foreign pharmacists as shall present satisfactory credentials or certificates of their competency and qualifications to the said board of pharmacy. Junior assistants or apprentices in pharmacy shall not be permitted to prepare physicians' prescriptions until they have become graduates or licentiates in pharmacy.

Junior  
assistants  
or appren-  
tices.

§ 4. The members of the college of pharmacy of the city of New York shall, on the first Monday of April, one thousand eight hundred and seventy-two, and on the same day every third year thereafter, at a special meeting held for that purpose, elect five competent pharmacists, three of which shall be graduates of some legally constituted medical college, and the remaining two graduates of some legally constituted college of pharmacy of the city of New York, and who shall form and be known as the board of pharmacy. The members of this board shall, within thirty days after their election as aforesaid, individually take and subscribe before the clerk of the county of New York, an oath, faithfully and impartially to discharge the duties prescribed for them by this act. They shall hold office for the term of three years and until their successors are duly elected and qualified; and in case of any vacancy, the trustees of the college of pharmacy shall fill the same from two or more nominees elected at a special meeting of the college of pharmacy. The said board shall organize for the transaction of business by the election, by them, from their number; for the whole term, of a president and a secretary. The board shall meet at least once every three months and three members shall constitute a quorum. The duties of the said board shall be to transact all business pertaining to the legal regulation of the practice of pharmacy in the city of New York, and to examine and register pharmacists. Any pharmacist applying for examination shall pay to the secretary a fee of five dollars, and should he pass such examination satisfactorily he shall be furnished with a certificate as to his competency and qualification, signed by the said board of pharmacy.

Board of  
pharmacy.

Official  
oath.

Term of  
office.

President  
and secre-  
tary.

Meetings.

Duties of.

Fees of.

§ 5. It shall be the duty of the secretary to keep a book of registration at some convenient place, of which

Secretary  
to keep  
book of

registra-  
tion.

When to  
appear for  
registra-  
tion.

Secretary  
to receipt  
for and  
pay over  
fees to  
college of  
pharmacy.

Regis-  
tered  
pharma-  
macists  
responsi-  
ble for  
quality of  
drugs, etc.

Exception  
as to  
"patent  
medi-  
cines."  
Penalty.

Unlawful  
to retail  
certain  
poisons.

Schedule  
A.

due notice shall be given through the public press, in which book shall be entered, under the supervision of the said board, the names and places of business of all persons coming under the provisions of this act. It shall be the duty of all such persons to appear before the said board for registration, within thirty days after its organization; and the fee for the registration of pharmacists shall not exceed two dollars, and for assistants shall not exceed one dollar. The secretary shall give receipts for all moneys received by him, and pay over the same to the treasurer of the college of pharmacy aforesaid, taking his receipt therefor, which moneys shall be used for the purpose of defraying the expenses of the board of pharmacy, and any surplus shall be for the benefit of the college of pharmacy. The salary of the secretary shall be fixed by the board, and shall be paid out of the registration of fees.

§ 6. Every registered pharmacist, from and after the first day of June, eighteen hundred and seventy-two, shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines," and should he knowingly, intentionally and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and, in addition thereto, his name shall be stricken from the register.

§ 7. It shall be unlawful for any person from and after the first day of June, eighteen hundred and seventy-two, to retail any poisons enumerated in schedules A and B, as follows, to wit:

#### SCHEDULE A.

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its prepara-

tions, except paragoric and other preparations of opium containing less than two grains to the ounce.

#### SCHEDULE B.

Aconite, belladonna, colchicum, conjum, nux vomica, henbane, savin, ergot, cottonroot, cantharides, creosote, digitalis and their pharmaceutical preparations, croton oil, chloroform, chloralhydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the bottle, box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison," and the name and place of business of the seller; nor shall it be lawful for any person to sell or deliver any poisons enumerated in schedules A and B, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Nor shall it be lawful for any registered pharmacist to sell any poisons included in schedule A, without, before delivering the same to the purchaser, causing an entry to be made; in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quality of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five years. The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine.

§ 8. Nothing contained in the foregoing sections shall apply to or interfere with the business of any practitioner of medicine, who does not keep open shop for the retailing of medicines and poisons; nor with the business of wholesale dealers, excepting section seven, and the penalties for its violation.

§ 9. Any person who shall attempt to procure registration for himself, or for any other person, under this act, by making or causing to be made any false representation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty not

Schedule B.

Package to be labeled "poison," etc. Enquiries to be made.

Entry to be made.

Not to apply in certain cases.

Not to apply to practitioners of medicine, etc.

Penalty for attempt to register fraudulently, etc.

exceeding five hundred dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store, or place of business, by any person or persons not registered, or any person not registered who shall keep open shop for the retailing or dispensing of medicines and poisons, or who shall fraudulently represent himself to be registered, or any registered pharmacist or dealer in medicines who shall fail to comply with the regulations and provisions of this act, in relation to the retailing and dispensing of poisons, shall, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty of fifty dollars.

Penalties recovered, to whom to be paid.

§ 10. Each and every penalty recovered under this act shall be paid to the trustees of the college of pharmacy, and shall form and be known as the library fund of said college of pharmacy, and shall be expended for the purchase of books for the library of said college.

Chapter 202, Laws of 1871, repealed.

§ 11. Chapter two hundred and two of the Laws of eighteen hundred and seventy-one, entitled "An act to establish a board for the examination of, and licensing druggists and prescription clerks in the city of New York," passed March twenty-eighth, eighteen hundred and seventy-one, and all previous acts, and parts of acts relating to the city and county of New York, relating to the practice of pharmacy and the sale of poisons, are superseded by this act, and are hereby repealed.

§ 12. This act shall take effect immediately.

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## Chap. 818.

AN ACT to incorporate "The German American Loan and Mortgage Company."

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

SECTION 1. From the time this act shall commence and take effect, Emil Sauer, William M. Vermilye, Charles A. Davison, C. Godfrey Gunther, Alexander Shaler, Max Heidelbach, Louis Honigisberger, Charles



Jay, Edwin L. Frank, Isaac Ickelheimer, Frederick Delgado, Adolph Gans, Chauncey Vibbard, Emerson Foote and John M. Davison, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name of "The German American Loan and Mortgage Company."

Corporate  
name.

§ 2. The corporation hereby created shall have the general powers and privileges, and be subject to the liabilities mentioned and declared in the third title of the eighteenth chapter of the first part of the Revised Statutes, and, in addition thereto, it shall have power :

General  
powers.

1. To lend money on bond and mortgage on real estate situated within the State of New York, or upon hypothecation of such real estate, or upon hypothecation of bonds and mortgages on such real estate, for any period of credit, and payable by way of annuity or otherwise.

Upon  
what to  
make  
loans.

2. To issue bonds of said company, and to sell and dispose thereof; but the amount of such bonds outstanding at any time shall not exceed the amount of moneys then owing to said company upon the loans aforesaid, and such bonds may be made payable to bearer, or may be registered bonds.

To issue  
bonds.

3. To receive moneys on deposit at such rates of interest as may be agreed upon, not exceeding the lawful rate of interest.

To receive  
deposits.

4. To indorse and guarantee the payment of the bonds of municipal and other corporations.

To indorse  
bonds.

5. To purchase, hold and convey all such real or personal estate as shall be necessary for said company to use in the transaction of its business, and such as said company may acquire in the collection or settlement of its demands or claims, or purchase or take on or by the foreclosure or enforcement of mortgages, or hypothecations taken as aforesaid.

To purchase and  
hold  
necessary  
real  
estate."

§ 3. The board of directors shall exhibit annually, to the Comptroller of this State on such day as he may appoint, a verified statement of the bonds and mortgages owned by the company, the estimated value of the property upon which such bonds and mortgages are given, the amount of bonds issued by the company, and

Statement  
to be ex-  
hibited to  
the Comptroller  
annually.

amount of bonds outstanding. The books of the company shall be open to the inspection of the Comptroller of this State, or his representatives, at any time, and the expense of any inspection shall be defrayed by the company in such sum as the Comptroller may certify to be just and reasonable.

Capital  
stock.

§ 4. The capital stock of the company shall be two millions of dollars in gold coin of the United States, divided into shares of one hundred dollars each, one-half of which shall be paid in within one year, and the remainder thereof within two years from the organization of the company; said capital may be increased from time to time, by the issue of additional shares of one hundred dollars each, as the company may deem fit; such increased capital not to exceed ten millions of dollars, and in all cases of the increase of capital stock, one-half of such increased capital shall be paid in within one year from the time of such increase, and the remainder thereof within two years therefrom.

Increase  
of.

Board of  
directors  
to man-  
age  
affairs.

§ 5. All the powers of said corporation shall be exercised, and its business and affairs shall be conducted and managed by a board of directors, except as provided in this act. The corporators, namely, the persons named in the first section of this act, shall have the management of the company's affairs, with power to fill vacancies in their own number, until directors shall be chosen by the stockholders within one year after organization, and shall enter upon the duties of their office, and a majority of the corporators shall be a quorum for any business, and a majority of those present at any meeting shall control.

Office to  
be in N. Y.  
city.

§ 6. The office of said corporation shall be kept in the city of New York.

Books of  
subscription  
to  
capital  
stock.

§ 7. The corporators shall open or cause to be opened, books of subscription to the capital stock of said company, and give due notice thereof by advertisement in one or more newspapers of the city of New York. Each subscriber shall pay ten per cent. of the amount of shares subscribed for by him at the time of subscription, in gold coin of the United States, or his subscription shall be invalid. In cases where subscription books are opened for an increase of capital, the holders of

shares theretofore issued, and then outstanding, shall have a preference in subscribing, to such extent and in such manner as the board of directors shall determine, subject, nevertheless, to the right of the founders of the company first to subscribe for and take any part they may see fit, not exceeding one-fourth part of the increase in every such case.

§ 8. The said company shall have power to call in the amount of capital by installments, and all such installments shall be paid in gold coin of the United States. If any subscriber shall fail to pay such installments after sixty days' notice requiring payment thereof, the shares on which the installments shall be in arrear, together with all the previous payments thereon, shall be forfeited to the use of said company.

Installments upon subscriptions to stock to be paid in gold.

§ 9. The said company may commence business whenever the capital shall have been fully subscribed for in gold coin of the United States, and twenty per cent. shall have been paid in thereon.

When to commence business.

§ 10. The first election of directors shall take place at a stockholders' meeting, to be called within one year by the corporators, at the company's office in New York, at such time as the corporators shall appoint for that purpose, of which notice shall be given in one or more newspapers published in the city of New York, for at least thirty days next previously. Each shareholder shall be entitled to cast one vote for each share of stock standing on the books in his name; the corporators shall designate inspectors of such election, and the election shall be held and conducted according to the regulation concerning the election of directors of moneyed corporations, contained in the second article of the second title of the eighteenth chapter of the first part of the Revised Statutes. The said first stockholders' meeting shall have power to make by-laws which shall control the directors and officers of the company and regulate its affairs, provided the same be not repugnant to this act; nor contrary to law.

First election of directors.

By-laws, etc.

§ 11. The number of directors of said company shall be not less than seven, nor more than thirteen, and the number may be changed or fixed within these limits, from time to time, by the board of directors. The

Number of directors.

To be  
chosen  
annually.

Qualifica-  
tions of.

Officers.

Certifi-  
cates for  
stock.

To report  
to Comptroller.

directors of said company shall be chosen annually. The board of directors chosen at said first election shall hold office one year, until their respective successors are chosen. No person shall be a director unless he shall own at least one hundred shares of the stock of the company; any person so qualified shall be eligible for director, provided, that a majority of the board at all times be residents of the State of New York.

§ 12. The board of directors shall choose from their number a president of the company; the board may also choose a secretary of said company, and may appoint and employ such other officers, agents, clerks and servants as the board may deem proper. The board may also constitute a part of their number an executive committee, with such powers as the board may from time to time confer on such committee.

§ 13. Certificates shall be issued for shares of stock on request of the stockholders, and shares shall be transferable on the books of the company by the shareholder or his attorney, on the return of the certificate, if any were issued therefor.

§ 14. The board of directors shall exhibit annually to the Comptroller of this State, on such days as he shall appoint, a full statement of the company's affairs, in such form and verified in such manner as he shall direct; and the Comptroller, if he sees fit, may refer such statement to a referee, with directions to make full and thorough investigation into the affairs and management of the company, and to report his opinion in relation to the ability and integrity with which its affairs are conducted, and the prudence and safety of its investments, and the security afforded to those by whom its engagements are held, and the expenses of every such investigation shall be defrayed by the company in such sum as the Comptroller shall certify to be reasonable and just. The Comptroller shall furnish a copy of said referee's report to the company, and he may also bring to the attention of the legislature such annual report, and such referee's report thereon, with any recommendations he may deem fit to make in respect of the company.

§ 15. The stockholders of said company shall be severally individually liable for the indebtedness of the company, to the extent of their respective shares of stock in said company, and to no greater extent, but such liability shall not be enforced against any stockholder until after judgment has been recovered against the company for said indebtedness, and execution has been returned unsatisfied thereon.

Liability  
of stock-  
holders.

§ 16. The books of the company shall be open for inspection to the Comptroller of the State, and to such other persons as the Legislature or Comptroller may designate for that purpose, at all times during hours of business, and said books shall in like manner be open to any or all of the stockholders of the company.

Books to  
be open  
for inspec-  
tion by  
Compt-  
roller.

§ 17. The loans, or mortgages, or hypothecations above mentioned, may be made to individuals, corporations, associations, cities and towns, or other municipal bodies authorized thereto, and in any case it shall be lawful for the borrower to accept bonds of said company in lieu of money on such loans, and in every such case the mortgage or hypothecation given for the loan, and the bonds of the company issued or taken in lieu of money shall be valid, and of full force, notwithstanding any difference there may be between the rate of interest secured or payable on the said bonds of the company, and the rate of interest secured or payable on such mortgage or hypothecation, or any difference in the market value thereof.

Loans, to  
whom to  
be made.

§ 18. No loan shall be made by the company on mortgage or by hypothecation of real estate, to more than three-fifths of the estimated value thereof if the same be improved property, nor to more than half the estimated value thereof if the same be unimproved.

Loans on  
mortgage,  
etc.

§ 19. If at any time by reason of payments made on loans of the company or for any other cause, the amount owing to it on mortgage or hypothecation of real estate, shall be less than the amount of its bonds outstanding, said company shall call in and redeem at par so much of its bonds as may be necessary to equalize such amounts, and for this purpose the company may cause bonds to be selected by lot, drawn or cast by a disinterested person appointed by the company. Notice of the

When to  
call in and  
redeem  
corporate  
bonds.

lot so drawn, designating the particular bonds to be redeemed, shall be given by advertising in a daily newspaper published in the city of New York, at least ninety days next previous to the time of redemption, to be therein specified, at which time the company shall pay such designated bonds, and the interest accrued thereon, at par, on the surrender thereof, and from which time interest on the bonds so designated shall cease to accrue.

Divi-  
dends.

§ 20. Dividends of net profits of the company to an amount not greater than ten per cent. per annum on the amount of its capital stock, may be made to the stockholders in proportion to the sums paid in on their respective shares, and if in any year the said net profits shall exceed such ten per cent., then one-tenth of such excess shall be applied to the formation of a reserved fund, until such reserved fund shall become equal to one-tenth part of the paid-in capital of the company, and of the remaining nine-tenths, three-fourths shall be divided among the shareholders in proportion to the amounts paid in on their respective shares, and the other one-fourth shall belong to the founders, who shall be entitled to dividends thereon, ratably with stock in like amount. A special founders' scrip shall be created to represent the rights of founders; such scrip shall be issued to the founders, and the same shall be transferable on the books of the company like stock, and the rights of the founders shall follow the same and shall be exercised only by parties in whose names such scrip shall stand on the books of the company. The founders shall be the persons designated as such by the by-laws of the company, passed at the first meeting of the stockholders.

Founders'  
scrip.

No loans  
to be made  
to direct-  
ors or  
officers.

§ 21. No loan shall be made, directly or indirectly, to any director or officer of the company, nor shall any loan or advance of money be made at a rate of interest exceeding the legal interest.

## Chap. 819.

AN ACT supplemental to an act entitled "An act for the improvement of the navigation of the tributaries of the Great South Bay," passed April twenty-eight, eighteen hundred and seventy-one.

Passed May 22, 1872; by a two-third vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any moneys in the treasury belonging to the general fund, not otherwise appropriated, for the purposes mentioned in an act entitled "An act for the improvement of the navigation of the tributaries of the Great South Bay," passed April twenty-eight, eighteen hundred and seventy-one, and to enable the commissioners in said act named to complete the work already begun by them.

Appropriation of \$2,500 for improvement of the tributaries of the Great South Bay.

§ 2. The Comptroller shall draw his warrant upon the Treasurer for the said sum of two thousand five hundred dollars in favor of the said commissioners, and the Treasurer shall pay the same out of the said fund.

§ 3. This act shall take effect immediately.

## Chap. 820.

AN ACT to authorize the formation of corporations to provide the members thereof with lots of lands suitable for homesteads.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any number of persons, not less than three, may associate and form themselves into an incorporated company for the purpose of accumulating a fund for the purchase of real estate, paying off encumbrances thereon, the improvement and the subdivision

Number of corporations and corporate object.

thereof into lots or parcels suitable for homesteads, and the distribution of such lots or parcels among the shareholders.

Articles of  
association.

§ 2. Such persons shall severally subscribe articles of association, in which shall be set forth the name and objects of the association or corporation, the time for which the same is limited to exist, the amount of capital stock and the number of shares into which it is proposed to be divided, the number of directors and officers, their terms of office, and such other regulations as may be necessary to enable the corporation to carry on its business and accomplish its objects, and how amendments thereto may be made.

Certificate  
to be in  
writing  
and duly  
signed  
and ac-  
knowl-  
edged.

What to  
contain.

To be  
filed.

Corporate  
powers.

§ 3. A certificate in writing shall be made, duly signed and acknowledged by three or more of the persons proposing to form such corporation, before some officer competent to take acknowledgment of deeds, in which shall be set forth the corporate name of the association, its principal objects, the amount of the capital stock, the number of shares, the time of its existence, the number of directors who shall manage the concerns of the association, their names, and the name of the city, town or county in which the office or principal place of business is to be located, shall be filed in the office of the county clerk of the county in which the office or principal place of business is intended to be located, and a copy thereof, duly certified under the hand and seal of such county clerk, in the office of the Secretary of State of the State of New York, and thereupon the persons who have subscribed the said certificate, and such other persons who have become members of such association, and their successors, shall be a body corporate by the name of the corporation specified in said certificate, and shall possess the powers and privileges specified therein, subject to the provisions contained therein, and no further; and they shall, by their corporate name, be capable in law of purchasing, holding, conveying and improving any personal or real estate or property whatever, which may be necessary to enable said associates to carry on the operations named in said certificate.



§ 4. It shall be lawful for the directors to call in and demand from the shareholders, respectively, all such sums of money as they have agreed to pay, and by them subscribed, at such times and in such payments or installments as the articles of association shall prescribe, under the penalty of forfeiture of the shares of stock subscribed for, and all deposits, assessments and previous payments made thereon toward the principal funds of the association, and the property acquired therewith and owned by the association, if payment shall not be made by the stockholder within thirty days after a demand, notice requiring such payment having been sent to the address of the stockholder, as such address had been stated by such stockholder.

Payment  
for stock  
sub-  
scribed.

§ 5. All corporations formed under this act shall have power to borrow money for temporary purposes not inconsistent with the objects of their organization, and to loan to their own members or other persons any moneys belonging to such corporation and not needed for immediate use, on approved marketable securities, for which they may pay or receive a commission, as shall be agreed in writing by parties thereto, not contrary to law; nor shall such indebtedness exceed at any one time one-half of the aggregate amount of the shares and parts of shares and the income thereof actually paid in and received. Such corporation, however, for the purpose of completing the purchase of land to be subdivided and distributed among the shareholders, may borrow, upon the security of the land so purchased, or the land owned or held by them at the time of making such loan or loans, any sum or sums of money which shall not exceed ninety per cent. of the purchase money of such land.

May bor-  
row  
money  
and make  
loans to  
members  
and  
others.

§ 6. Parents, guardians, executors, or other legal representatives may take and hold shares in such associations in behalf and for the use of minor children; provided, the cost of such shares, and the amount of deposits and assessments thereon to be paid from the personal earnings of such minor children, or the earnings or money of such parent or representatives for this purpose voluntarily bestowed. Married women

Parents,  
guardians  
and exe-  
cutors  
may take  
shares in  
behalf of  
minor  
children.

Married women may take and hold shares.

may take and hold shares in such association, provided the cost of such shares and the amount of deposits and assessments shall be paid from their personal earnings or money of their children voluntarily bestowed for this purpose, or from property bequeathed or given to them, or given to them by persons other than their husbands.

Dissolution of corporation.

§ 7. Every such corporation shall terminate, except for the purpose of settling its affairs, at the expiration of the time stated in articles of association for its existence, or whenever it is dissolved in the manner provided in the articles of association; but no dividend of the funds belonging to the corporation, or the proceeds of property owned by the corporation, shall be paid to the shareholders upon such dissolution, until all the debts of the association shall have been paid or otherwise sufficiently provided for.

Financial statement to be published.

§ 8. Each association formed under the provisions of this act shall, at the close of its first year's operations, and annually at the same period in each year thereafter, publish, in at least one newspaper of general circulation published in the city, town or county where the principal office or place of business of such corporation is located, a concise statement, verified by the oath of its president and secretary, showing the actual financial condition of the association, and the amount of its property and liabilities, specifying the same particularly.

Liability of stockholders.

§ 9. All shareholders of any association, formed under the provisions of this act, shall be liable to the creditors of such association to an amount equal to the paid-up assessments on the stock held by them respectively, for all debts contracted by such association until the amount to be paid for the shares is fully paid; the directors and officers of every association formed under the provisions of this act shall be personally liable for any fraudulent use, disposition or investment of any money, securities or other property belonging to such association, or for any loss which shall be incurred by any investment or use made by such directors or officers, other than such as are mentioned in and authorized by the articles of association; but no director or officer of any such association shall be liable, as aforesaid, unless

Of directors and officers.

he authorized, sanctioned or approved, or made such fraudulent use, disposition or investment, as aforesaid.

§ 10. No person holding any stock in such corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as stockholder of such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as stockholder accordingly; and the estate or funds in the hands of such executor, administrator, guardian or trustee, shall be liable in any like manner, and to the same extent as the testator or intestate, or the ward or person interested in such trust fund, would have been if he, she or they had been living or competent to act, and held the same stock in his, her or their own name or names.

Liability of parties who hold stock in trust.

§ 11. Every such executor, administrator, guardian or trustee shall have the right of having the share or shares of stock in hand represented at all meetings of the company, subject to the provisions of the articles of association; and every person who shall pledge stock as aforesaid may, nevertheless, represent the same at all such meetings, and may vote accordingly as a stockholder.

Executor, etc., to have stock represented at meetings of stockholders.

§ 12. In case it shall happen at any time that an election of officers shall not be made on the day designated by the by-laws or articles of association of such corporation, at the time for holding such election, the corporation shall not for that reason be dissolved; but it shall be lawful on any other day thereafter to hold an election for directors in such manner as may be provided for by said by-laws or articles of association; and all acts of directors or officers shall be valid and binding as against such company until their successors are elected and qualified.

Failure to hold election not to dissolve corporation.

§ 13. Any corporation which may be formed under the provisions of this act may increase or diminish its capital stock, by complying with the provisions of this act, to any amount, not exceeding one million of dollars, which may be deemed sufficient and proper for the purposes of the corporation; but, before any such corporation shall be entitled to diminish the amount of its

Increase of capital stock.

capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debt and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital.

Proceed-  
ings  
therefor.

§ 14. Whenever any such corporation shall desire to increase or diminish the amount of its capital stock, it shall be the duty of the directors or trustees to publish a notice, signed by at least a majority of them, in a newspaper of general circulation, published in the city, town or county where the principal office or place of business of such corporation is located, for at least ten days, and to deposit a written or printed copy thereof in the post-office, addressed to each shareholder, at his business office or usual place of residence, or to the address left at the office of the company in writing, at least ten days previous to the day fixed upon for holding such meeting, calling a meeting of the stockholders, which notice shall specify the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital; and a vote of at least two-thirds of all the shares of stock issued shall be necessary to an increase or diminution of the amount of its capital stock.

When  
meeting to  
organize,  
etc.

§ 15. If, at any meeting provided for in the preceding section of this act, stockholders shall appear in person, or by proxy, in numbers representing not less than two-thirds of all the stock issued by the corporation, the meeting shall organize and proceed to a vote of those present in person, or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the corporation, and the amount to which the capital stock shall be increased or diminished, and how the same is to be done, shall be made out, signed and verified by the affidavit of the chairman, and attested by the secretary of the meeting; and such affidavit shall be acknowledged by the chair-

man, and filed as required by the third section of this act; and, when so filed, the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate.

Certificate to be filed.

§ 16. The copy of any certificate of incorporation filed in pursuance of this act, certified by the county clerk or his deputy to be a true copy of such certificate and the whole thereof, shall be received in all courts and places as presumptive evidence of the facts therein stated.

Evidence.

§ 17. No loan made by any such association to any one of its members may exceed in amount the par value of the capital stock for which such member may have subscribed.

Loans to members limited.

§ 18. The directors of such corporation shall have power to make such prudential by-laws and regulations as they shall deem proper for the management and disposition of the stock and business affairs of such corporation, not inconsistent with the laws of this State or of the articles of the association; and prescribing the duties of directors, officers and servants that may be employed; for the appointment of officers and agents; for the security of the funds of the corporation, and for carrying out the objects and purposes of such corporation.

By-laws, etc.

§ 19. The legislature may at any time hereafter amend or repeal this act, and such amendment or repeal shall not, nor shall the dissolution of any company, take away or impair any remedy given against such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Saving clause.

§ 20. The shares held by the members of associations incorporated under the provisions of this act, together with any amounts of deposits or assessments made on account thereof, shall be exempt from attachment or sale on execution for debt, to an extent not exceeding one thousand dollars, in such shares, deposits or assessments, at their par value; provided, the person holding such shares is not the owner of a homestead.

Shares, etc., exempt from seizure on execution.

§ 21. This act shall take effect immediately.

## Chap. 821.

AN ACT to authorize the city of Newburgh to borrow moneys and issue bonds therefor, for the payment of the existing contingent debt of said city, and to provide for the payment of said bonds and the interest thereon by levy and collection of taxes.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Common council may issue bonds to an amount not exceeding \$15,000.

SECTION 1. The common council of the city of Newburgh is hereby authorized to borrow a sum of money not exceeding fifteen thousand dollars, and to issue therefor the bonds of said city, payable in three equal annual installments, commencing in the year eighteen hundred and seventy-six, with semi-annual interest at a rate not to exceed seven per cent. per annum.

Proceeds, how applied.

§ 2. The proceeds of such bonds shall be applied to the payment of the existing contingent debt of said city.

Tax to pay bonds

§ 3. The said common council shall provide for the payment of such bonds, and the interest thereon, by levy and collection of tax in the same manner as taxes for other purposes are levied and collected in said city.

§ 4. This act shall take effect immediately.

## Chap. 822.

AN ACT to lay out, construct and keep in repair Flatbush avenue, in the county of Kings.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commissioners to lay out highway.

SECTION 1. The commissioners for laying out and mapping the towns of Kings county are directed to lay out as and for a public highway, and map an avenue one hundred feet wide from the northerly line and

Route.

range of avenue E, in the town of Flatbush, as the same is adopted and determined by the said commissioners, to the high water line, on the property of James Curley, in the town of Flatlands, to be so located in a straight line from the said avenue E southerly, that the easterly line of said Flatbush avenue, shall cut the southwest corner of the house of John Antonides, in said town of Flatbush, and also the southwest corner of Hendrickson's store, in the said town of Flatlands, and be continued to the center line of Flatlands avenue, as the same is located and determined by the said commissioners, and from thence be continued at right angles to said Flatlands avenue, to the aforesaid high water line on the property of James Curley, in conformity with their general plan of streets, avenues and roads, to be laid out in the execution of their general duties; and the said avenue shall form a part of said plan, and be laid down and designated on the map thereof, to be filed by them, and shall be known as Flatbush avenue.

§ 2. Any freeholder whose land may be taken on the route of said avenue may apply to the Supreme Court in the second judicial district at any special term thereof, to be holden in Kings county upon ten days' notice of such application, by advertisements in two daily newspapers published in the city of Brooklyn, for the appointment of three commissioners of estimate and assessment, to estimate the compensation to be awarded for lands taken for said highway, and assess the same upon lands benefited thereby. The said commissioners shall be appointed one from the town of Flatbush and two from the town of Flatlands; shall be freeholders, and not interested in any of the lands taken for said avenue, or in any lands situated within the district of assessment upon which the compensation for land taken is to be assessed. Before proceeding to act they shall take the legal oath of office before an officer authorized to administer oaths in Kings county, and file the same in the office of the clerk of said county. Any vacancy occurring in such commission may be filled by the Supreme Court at a special term on like notice, and upon application of the remaining commissioners, or of any person through whose lands the avenue shall

Any freeholder whose lands are taken may apply for appointment of commissioners of estimate and assessment.

Qualifications of commissioners.

Official oath.

Vacancies, how filled.

Duty of  
commis-  
sioners.

Contracts,  
when to be  
made with  
owners.

Awards  
to be  
made in  
case no  
agreement  
is made  
with  
owner.

Buildings  
encroach-  
ing ten  
feet or  
less, not  
to be re-  
moved.

pass. The said commissioners, after taking the oath of office, shall proceed to estimate and award the compensation for lands taken and damages sustained by the owners thereof, and to assess the same, with their expenses, upon the lands lying on each side of said avenue, within one hundred feet of each side thereof.

When there shall be any building or part of a building, trees, timber, fences or other obstructions upon the route of the road, the commissioners for making the road may, if practicable, before the commissioners of estimate and assessment shall have made their awards and assessments in relation thereto, contract with the owner or owners thereof for the removal thereof out of the line of said avenue; and in such case the agreement for such removal or a duplicate thereof, duly executed, shall be delivered to the commissioners of estimate and assessment, who shall award to the owner or owners the sum agreed upon for such removal, if any, and also compensation for the land taken, estimated as if no such building, trees, timber, fences or other thing so contracted to be removed were upon the same and shall assess the sums so awarded upon lands benefited as in other cases. But in case there shall be such buildings or parts of buildings, trees, timber, fences or other obstructions upon the route of said avenue, and no agreement shall have been made with the owners for the removal thereof, the commissioners of estimate and assessment shall award to the owners the value thereof, in addition to or as part of the land upon which the same are situated, and the same shall thereupon be subject to the disposal of the commissioners for making the road for the purpose of removal or sale as hereinafter provided. But no building or any part thereof, nor any stoop, or piazza which encroaches on the route of the said avenue to the extent of ten feet only or less, shall be required to be removed or be paid for under the provisions of this act. And should any building and the stoop or piazza attached thereto encroach on the route of said avenue more than ten feet and such excess over ten feet consist of the stoop or piazza merely, such excess only shall be removed. The said commissioners of estimate



and assessment shall be allowed the sum of two hundred dollars each, in full for their services, which shall be assessed and collected as part of their expenses. The said commissioners may employ counsel at an expense not exceeding two hundred and fifty dollars, which shall be assessed upon the property within the district of assessment. The necessary surveys and maps shall be made by the town survey commissioners as a part of their duties under the act of their appointment. They shall cause proper stone monuments to be placed to designate the line of said avenue so to be laid out, and shall cause a map of said avenue, as laid out, signed and acknowledged by them, to be filed in the office of the register of Kings county.

Compensation of commissioners of estimate.

Monuments.

§ 3. The said commissioners of estimate and assessment shall make a report, with a map and schedule annexed thereto, showing the awards for land taken, the assessments and their expenses; and when they shall have prepared the same as provided, they shall give notice, by advertisement for ten days in two daily newspapers published in the city of Brooklyn, of a time and place at which they will meet to hear objections to such proposed report, and may adjourn such hearing from time to time in their discretion. And after hearing such objections, if any, they shall make and sign a report, and cause the same to be duly acknowledged before an officer authorized to take acknowledgments of conveyances in Kings county, and shall thereupon, upon a notice of ten days published as aforesaid, present the same for confirmation to the Supreme Court at a special term thereof, to be holden in the second judicial district at Brooklyn; and the court may confirm the same or send it back for amendment or reconsideration, and the same, after revision, may be presented again for confirmation upon like notice as before, and such court shall proceed thereon as before, but the order for confirmation at special term when made and entered shall be final. In their report or the map and schedule annexed thereto, the commissioners shall specify the names of the owners of the several pieces of property for which awards are made, and upon which assessments are laid, if such

To make report with map and schedule and give notice of time and place of meeting to hear objections.

After hearing, to make report and give notice of presenting same for confirmation.

Report, schedule, etc., what to contain.

owners are known, and if not known, it shall be so stated ; and no award or assessment shall be invalid on account of the name of the owner being stated as unknown, or for naming the wrong person as owner. The schedule annexed to said report shall show the balance of assessments over awards, and of awards over assessments where lands known to be of the same owner are affected ; and in such case the balance of assessments over awards only shall be a lien upon the lands assessed, and where separate parcels of lands are assessed as of one owner and awards likewise made in favor of the same owner, the amount of the awards shall be deducted from the amount of the assessments, and the balance shall be a lien upon the several parcels assessed ratably according to the amounts of the several assessments thereon. The report shall be filed with the order of confirmation in the office of the clerk of the county of Kings, and thereupon the awards and assessments shall be confirmed, and the assessments or the balance of assessments over awards in reference to lands designated as of the same owner, shall be liens upon the property assessed.

Report to  
be filed.

Commis-  
sioners of  
construc-  
tion.

Duties of.

Sidewalks,  
etc.

§ 4. John L. Bergen, of the town of Flatbush, and Asher H. Hubbard and John B. Hendrickson, of the town of Flatlands, are hereby appointed commissioners for the purpose of having the said avenue graded and constructed. They shall cause the same to be properly formed, graded, constructed and graveled, and shall have authority to contract therefor by one contract for the whole works, or by separate contracts for the several portions thereof, as they shall see fit, and are empowered to enter upon the same at all times for that purpose, and to remove obstructions. The said avenue shall have sidewalks eighteen feet wide on each side, properly leveled and graded, and the roadway thereof shall be properly graded, turnpiked, and faced with gravel, and shall be so maintained. When there shall be any buildings or parts of buildings, stoops or piazzas, trees, timber, fences or other things of value upon the route of the said avenue not wanted for the construction thereof, the said commissioners may contract for the sale and removal of the same, or may cause the same to be

sold at public auction, to be removed by the purchasers within a specified time, and the proceeds thereof shall be received by them and applied toward the expenses of making the road. The said commissioners shall make an estimate of the expense of making, grading and graveling the said avenue, and shall assess the same pro rata upon the lands opposite the line of the road upon each side thereof, within a limit of one hundred feet upon each side; but when lands of different owners are within the said limit of assessment, some of which front on the said avenue and others do not, they may apportion the assessments as they may deem just. They shall make and file a report, duly acknowledged, with a map and schedule annexed thereto, in the office of the clerk of Kings county, showing the assessments for expenses of making the road, and in such map or schedule they shall specify the owners of the several parcels of lands assessed, if known, and, if unknown, it shall be so stated; but no assessment shall be invalid for not naming the owner of the parcel assessed, or for naming a wrong person as owner. Upon filing such report, the assessments for making the road shall be liens upon the lands assessed therefor, and the lands upon which they are assessed shall be subject to sale for non-payment thereof, in like manner as the lands assessed for laying out and opening the road. The said commissioners shall receive two hundred dollars each in full for their services, to be assessed with the expenses for making the road. In case of a vacancy in said commission by death or otherwise, no contract entered into, or act done before such vacancy, shall be affected thereby, but all such contracts shall be carried into execution as if no such vacancy had occurred; and the supervisor of the town to which the commissioner, whose office shall have become vacant, belonged, shall act in his place, if there is only one vacancy in his town, or if such supervisor declines to act, and when more than one such vacancy shall occur, he shall appoint a freeholder or freeholders in his town, owning property on the line of the road, in place of the commissioner or commissioners whose office shall have become vacant, and such appoint-

Estimate of expense to be made and amount to be assessed upon lands within one hundred feet on each side of road.

Report to be made and filed.

What to contain.

Compensation of commissioners.

In case of vacancy, supervisor to act.

ment or appointments shall be annexed to the report of the said commissioners.

Notice of  
meeting to  
receive  
assess-  
ments.

§ 5. Upon confirmation of their report, the commissioners of estimate and assessment shall give notice by an advertisement, published daily for fifteen days, in two newspapers in the city of Brooklyn, of a time and place at which they will meet, on at least four different days, the last of which shall not be less than sixty days from the first publication of said notice, to receive payment of assessments for land taken; and within the time specified in such notice such assessments may be paid to said commissioners without charge for collection.

Warrant  
for collec-  
tion of  
unpaid  
assess-  
ments.

At the expiration of that time they shall deliver their warrant, signed by them, to the town collector of each town in which there may be assessments for land taken remaining unpaid, directing him to collect such unpaid assessments laid upon lands within his town; but where there are awards and assessments affecting lands of the same owner, the warrant shall direct the collection only of the balance of the assessments over the awards. The said collector shall collect the same, with five per cent. commissions upon the sums collected for his services in collecting, and shall have the same powers as in the collection of taxes.

Percent-  
age for  
collection.

Return of  
warrant.

At the expiration of sixty days from the delivery of the warrant to him, each collector shall return the same with the moneys collected, deducting the said five per cent. commissions upon the sums collected in full for his services to the said commissioners, who, after deducting their expenses, shall pay over to the persons entitled to awards the sums received and collected upon the assessments therefor, to the full amount of such awards, if there shall be sufficient to pay the same in full, otherwise pro rata. In all cases where awards are made and assessments laid upon lands of the same owner, the balance of assessments over awards only shall be collected, and the balance of awards over assessments only paid. If any such assessments for lands taken shall be unpaid and returned uncollected by the collectors, or either of them, the said commissioners of estimate and assessment shall cause the lands upon which such assessments are laid to be sold at public auction, in the city of Brooklyn, upon a

Balance of  
assess-  
ments  
over  
awards  
only to be  
collected.  
Sale for  
unpaid  
assess-  
ments.

notice of the time and place of such sale, published once a week for six weeks in two newspapers in the city of Brooklyn, and upon such sale and payment of the amount bid therefor, with an auctioneer's fee of five dollars upon each parcel sold, shall execute to the purchasers deeds of the property so sold, which shall be effectual to convey a title in fee simple to the grantees. At any time before sale the owner of any property assessed may pay the commissioners the amount of the assessment thereon, with interest and expenses to be apportioned by the commissioners, and the property shall be exempted from sale for such assessment. Upon such sales being completed, the commissioners, after deducting from the proceeds the expenses chargeable upon each parcel sold, shall apply and pay the balance, up to the amount of the assessment and interest, to the payment of the awards and expenses, as above provided, and shall pay over the surplus realized upon the sale of each parcel, if any, to the owner, if known, and if not known, to the county treasurer of Kings county, to be by him held for and paid to the persons entitled thereto; but in case there shall be any unpaid assessments for expenses of making the road upon the same parcel so sold, the commissioners of estimate and assessment shall, in such case, after retaining the amount of the assessment for laying out and opening the road, and interest thereon, and expenses of sale chargeable upon the parcel so sold, deliver over the surplus to the amount of the assessment laid upon said parcel sold for the expenses of making the road, and interest thereon, to the commissioners for constructing the road, to be by them received and applied as a payment of or upon such last mentioned assessment.

Proceeds,  
how dis-  
posed of.

§ 6. The commissioners of construction, after filing their report fixing the assessments for expenses of making the road, shall give notice in like manner and for the same length of time, as provided in reference to the commissioners of estimate and assessment, of a time and place at which they will receive payment of the said assessments, within which time they may be paid without charge for collection. And at the expiration of that time, they shall also in like manner deliver their war-

Commis-  
sioners of  
construction, after  
filing  
report, to  
give  
notice of  
time and  
place at  
which  
they will  
receive  
payment  
of assess-  
ments.

Warrant  
to col-  
lector.  
Percent-  
age.

Return of  
warrant.

Sale for  
unpaid  
assess-  
ments.

Proceeds,  
how dis-  
posed of.

Assess-  
ments to  
be liens.

Liens,  
how dis-  
charged.

Re-assess-  
ments,  
when to  
be made.

warrant to the collector of each town, in which there are unpaid assessments, for expenses of making the road. And the collector shall in like manner collect the same, with five per cent. commissions, and shall have the same powers as in the collection of the assessments for laying out and opening the road. At the expiration of sixty days from the delivery of the warrant to each collector, he shall return the same to the commissioners who issued it, with the moneys collected thereon, deducting his commissions upon the sums collected; and the commissioners shall apply and expend the moneys so received and collected by them in and about the making, grading, graveling and constructing the said avenue as above provided. The said commissioners for making the road may also in like manner, and upon like notice, as provided in case of non-payments of assessments for laying out and opening the road, sell the parcels of land assessed for non-payment of the assessment laid thereon for expenses of constructing the road, and may upon such sales execute deeds to the purchasers, which shall in like manner be effectual to convey a title in fee simple to the purchasers. They shall apply the proceeds over the expenses of sale up to the amount of the assessment and interest, to the construction of the road as above provided, and pay the surplus, if any, to the owner, if known, or if unknown to the county treasurer, for the person or persons entitled thereto. The assessments for laying out and opening the road shall be prior liens, and upon sales therefor, the liens upon the same land for expenses in constructing the road shall be discharged. Liens for assessments for laying out and opening the road shall be discharged upon filing a report or certificate of the commissioners of estimate and assessment, duly acknowledged, showing that such assessments have been paid, and in like manner the liens of assessments for making the road shall be discharged upon filing a report or certificate of the commissioners of construction showing that such assessments have been paid. If the amount raised as above, either for payment of the awards for lands taken, or for the expenses of making the road, shall turn out insufficient, re-assessments may be made and collected as

aforesaid, by the commissioners of estimate and assessment, or by the commissioners of construction, or by both, according as the same may be necessary for one purpose or the other, or for both purposes. Before delivering their warrants to the several collectors as aforesaid, each board of commissioners shall severally require from each of them security to be approved of by them for the faithful performance of their duties, and the payment to them respectively of the moneys to be collected under their several warrants, and in default of such approved security, may appoint a collector, taking from him such security. When the owners, in whose favor awards are made, are unknown, or if known, they refuse to receive their awards, the amount payable to them shall be paid to the Brooklyn Trust Company, to be held by them and paid over, with such interest, as they will allow, to the parties entitled thereto, upon an order of the Supreme Court, on proof of right to receive the same. If the amount collected for compensation for land taken and expenses of opening the road shall exceed the amount required, the excess shall be repaid pro rata to the persons assessed, and if the amount collected for making the road shall exceed the amount required for that purpose the commissioners of construction shall expend the excess in improving and repairing the road. After performing their duties respectively, each of the boards of commissioners aforesaid shall make and file in the office of the clerk of Kings county a final report of their proceedings, showing all moneys received and expended, and what assessments have been collected and awards paid.

Security  
to be  
given by  
collectors.

In case of  
unknown  
owners,  
etc.,  
awards  
to be de-  
posited.

Final  
report.

§ 7. So much of existing laws relating to highways and labor thereon, as are inconsistent with the provisions of this act, shall not apply to the highway herein provided for.

§ 8. Nothing in this act contained shall affect or impair any right or privilege which the Flatbush Plank-road Company, or the Brooklyn, Flatbush and Coney Island Railroad Company, have to use or receive tolls or compensation for the use of that portion of the present road, which is or shall be included within the

Not to  
impair  
rights of  
plank-  
road com-  
panies.

said avenue, and neither of said companies shall be entitled to any compensation by reason or in consequence of the laying out or opening of the said avenue, or be liable for any assessment therefor.

§ 8. This act shall take effect immediately.

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## Chap. 823.

AN ACT to amend an act entitled "An act to facilitate the construction of the New York and Oswego Midland Railroad, and to amend the several acts in relation thereto," passed March twenty-sixth, eighteen hundred and sixty-eight.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Amended  
by adding  
words "or  
Deansville  
or Clin-  
ton."

SECTION 1. Section four of chapter sixty-one of the Laws of eighteen hundred and sixty-eight, entitled "An act to facilitate the construction of the New York and Oswego Midland Railroad, and to amend the several acts in relation thereto," passed March twenty-sixth, eighteen hundred and sixty-eight, is hereby amended by adding after the word "Cassville," the words "or Deansville, or Clinton."



## Chap. 824.

AN ACT to amend chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," as amended by chapter nine hundred and twenty-five of the Laws of eighteen hundred and seventy-one, so far as the same is applicable to The Sodus Bay and Corning Railroad Company, under its present or former corporate name.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** All signatures heretofore made to any petition asking that any municipality of this State may create and issue its bonds in aid of the said "The Sodus Bay and Corning Railroad Company" under its present or former corporate name under any of the acts hereby amended, which signatures were made at any time after the commencement of the formation of said railroad company by stockholders signing the articles of association of said railroad company, shall and are hereby declared to have been and to be as valid and effectual in all proceedings and courts as though said signatures had been made after the certificate of incorporation of said railroad company under its former corporate name of "The Sodus Bay, Corning and New York Railroad Company" had been duly filed in the office of Secretary of State; but this act shall not apply to any municipality in Wayne county.

Signatures to petitions for bonding legalized.

Not to apply to Wayne county.

§ 2. This act shall take effect immediately.

## Chap. 825.

AN ACT to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Author-  
ized to  
extend  
tracks in  
certain  
streets  
and  
avenues.

Route

Rate of  
fare.

Rights  
and priv-  
ileges con-  
ferred.

SECTION 1. The New York and Harlem Railroad Company are hereby authorized and required to extend their tracks in Madison avenue, from said tracks at Seventy-ninth street, through and along Madison avenue, by single or double track, to Eighty-sixth street; thence through and along Eighty-sixth street, by single or double track to Avenue A; thence through and along Avenue A, by single or double track, to Ninety-second street; thence through and along Ninety-second street, by single or double track, to Astoria ferry, East river; also to lay down a single or double track, from their track in Madison avenue at Eighty-sixth street, through and along Madison avenue as far as it may from time to time be opened; together with the necessary switches, curves, turnouts and side tracks for the complete operation of their railroad and the extension herein provided for; the aforesaid extended tracks to be for the use of their small cars only. This act shall not be construed to allow the said railroad company to demand or receive more than eight cents fare for each passenger, for any distance, and not more than six cents for any distance below Forty-second street.

§ 2. In the construction, use and operation by the said company of the tracks and extensions authorized by this act, the company shall have and exercise the same rights and privileges which are now possessed and exercised under former grants and laws; and may use said road in connection with the roads of other railroad companies in the said city, upon such terms as may be agreed

upon between said company and other railroad companies.

§ 3. The New York and Harlem Railroad Company shall make compensation to the mayor, aldermen and commonalty of the city of New York for the value of the rights and privileges herein granted or authorized, which compensation shall be ascertained and determined in the manner, as far as applicable, provided for fixing compensation for railroad rights and privileges by the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty; that is to say, before said additional tracks shall be put in practical operation, or the said rights and privileges made available, the said company shall apply to the Supreme Court for the appointment of three commissioners to appraise and determine the amount of compensation which shall be paid annually, or in a gross sum, to the mayor, aldermen and commonalty, as such compensation for the rights and privileges herein granted. Such application shall be made on not less than ten days' notice to the said mayor, aldermen and commonalty, of the time, place and object thereof. The decision of the said commissioners so appointed, or a majority of them, as to the amount of such compensation, shall be final and conclusive as to the said company and the said mayor, aldermen and commonalty of said city; and the amount so fixed and determined shall be paid to the commissioners of the sinking fund of said city by the said company within thirty days after the same becomes payable according to the decision aforesaid, and applied to the deduction of the debt of said city.

Compensation to be made to city.

How ascertained.

Application to be made by company for appointment of commissioners.

Notice of.

Decision of commissioners to be final.

Amount awarded, when to be paid and how applied.

§ 4. This act shall take effect immediately.

## Chap. 826.

AN ACT to repeal chapter six hundred and sixty-eight of the Laws of eighteen hundred and seventy-one, entitled "An act to provide for the payment of counsel, required to be employed on behalf of the State, in pursuance of the provisions of section two of chapter three hundred and twenty-one of the Laws of eighteen hundred and seventy."

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Chapter  
668, Laws  
of 1871,  
repealed.

SECTION 1. Chapter six hundred and sixty-eight, Laws of eighteen hundred and seventy-one, entitled "An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section two of chapter three hundred and twenty-one of the Laws of eighteen hundred and seventy," is hereby repealed.

§ 2. This act shall take effect immediately.

## Chap. 827.

AT ACT to improve the navigation of the Baldwinsville canal.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Persons  
interested  
may put  
flush  
boards on  
Baldwins-  
ville dam.

SECTION 1. Any person interested in the navigation of the Baldwinsville canal, is hereby authorized to put flush boards on the Baldwinsville dam, whenever the Canal Commissioner in charge deems it necessary for the purpose of improving the navigation of said canal, provided that the State shall in no manner be made liable for any damage to property arising from said act, and provided further that nothing herein contained shall be construed in any manner to affect the provisions of section

State not  
to be  
liable for  
damages.

seven of chapter one hundred and fifty-three of the Laws of eighteen hundred and fifty, or to authorize the raising of said dam higher than is allowed by said chapter one hundred and fifty-three of the Laws of eighteen hundred and fifty.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

## Chap. 828.

AN ACT to amend an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy; amended April twenty-fifth, eighteen hundred and seventy-one; amended January twelfth, eighteen hundred and seventy-two, and to amend section forty-five of chapter seven hundred and nineteen of the Laws of eighteen hundred and seventy-one.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The third section of title two of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy, amended January twelfth, eighteen hundred and seventy-two, is hereby amended by inserting after the word "annually" in the sixth line of said section the words "in each ward."

§ 2. Section eighteen of title two of the said act is hereby amended so as to read as follows:

§ 18. On the first Monday of January, or as soon thereafter as practicable, the common council shall, by ballot, appoint a city clerk, a commissioner of public buildings, clerks of the markets, three sealers of weights and measures, one or more pound keepers, sexton and keepers of public grounds; and may, by resolution or ballot, appoint such other agents and servants as shall be necessary.

Common council to appoint city clerk, etc.

Execution may issue against corporations on judgments for penalties.

§ 3. Section fifteen of title three of said act is hereby amended by adding at the end thereof the following: "Except in cases where judgment for a fine or penalty is recovered against a corporation, in that case an execution against the property of such corporation may issue for the collection of the amount of such judgment and costs."

Heads of departments to deliver to comptroller estimates.

§ 4. Section three of title five of said act is hereby amended so as to read as follows:

§ 3. The heads of the different departments, including the police department, and the city officers, including the overseer of the poor, shall on or before the first day of March deliver to the comptroller a full and detailed estimate of the expenses and the amount of money required in their respective departments and offices for the fiscal year.

Salaries to be fixed by ordinance.

§ 5. Section four of title third of said act is hereby amended so as to read as follows:

§ 4. It shall, by ordinance, establish the salary or compensation to be paid to the several persons elected or appointed under this act, but after the year one thousand eight hundred and seventy-two, such compensation or salary shall be fixed before their election or appointment, and shall not be increased or diminished during the term of service, nor shall any extra compensation be granted to any such person, nor to any contractor. The salary of an alderman shall be two hundred and fifty dollars a year. The president of the common council two hundred and fifty dollars in addition thereto.

Salary of aldermen and president of common council.

§ 6. Section twenty-seven of title five of said act is hereby amended so as to read as follows:

City may recover tax, interest and five per cent. additional by action.

§ 27. The city may recover by action the amount of every tax, with the additions and interest unpaid, and the further sum of five per cent. upon the amount of such tax, interest and additions, from the persons liable to pay the same, which shall remain unpaid for more than ninety days after the delivery of the rolls to the treasurer.

§ 7. Title five of said act is hereby amended by adding the following as sections twenty-eight, twenty-nine and thirty:

§ 28. The treasurer of the county of Erie shall, immediately upon the passage of this act, present to the common council of the city of Buffalo a detailed statement of the amount of money appropriated and levied by the board of supervisors of the county of Erie, for the temporary relief of the poor of the city of Buffalo, for the year ending October first, one thousand eight hundred and seventy-two, including the amount appropriated and levied to pay outstanding liabilities of the poor department of the city of Buffalo for the preceding year, the amount of such moneys collected by him, the amount thereof paid out by him, the amount remaining in his hands, and the amount thereof still uncollected. He shall pay over to the treasurer of the city of Buffalo all such moneys remaining in the county treasury, and shall thereafter pay over to said city treasurer weekly, all moneys belonging to said fund which he shall thereafter collect.

County treasurer to present to common council detailed statement of moneys appropriated for temporary relief for city poor.

To pay same over to city treasurer.

§ 29. The board of supervisors of Erie county shall not hereafter appropriate or raise any moneys for the temporary relief of the poor of the city of Buffalo. All moneys appropriated and raised for such purpose within the city, and all moneys expended by the overseer of the poor, shall be estimated, appropriated, raised and expended as a portion of the general fund, and expenditures thereof shall be ordered, audited and paid in the same manner as all other charges upon the general fund.

No appropriation to be made by supervisors. Moneys required, how raised.

§ 30. The city of Buffalo shall pay all bills which have been legally contracted prior to the passage of this act, and which are a charge against the county of Erie, for expenditures for the temporary relief of the poor in the city, and the common council may borrow, upon the credit of the city, a sufficient amount of money to defray the expenses of the poor department of the city, until the estimates of the amount necessary to be raised by general tax for the year eighteen hundred and seventy-three shall be confirmed.

City to pay all bills legally contracted prior to the passage of this act.

§ 8. Section fourteen of title six of said act is hereby amended by adding at the end thereof the following: "The clerk shall also at the same time report to the

City clerk to report rolls confirmed by lapse of time.

common council the rolls that have been confirmed by lapse of time."

§ 9. Title six of said act is hereby amended by adding the following as section twenty-two:

When expense of improvements ordered may be paid in installments.

Installments, when payable.

Interest to be added.

In case of failure to pay installments whole amount to become due.

§ 22. When any work or improvement shall be ordered by the common council, the expense whereof shall exceed the sum of five thousand dollars, and is to be defrayed by moneys raised by local assessments, the several assessments contained in any roll made for the purpose of raising said money, may be paid in three equal installments. The first of said installments shall be due and payable from and after the date of the first publication of the notice specified in section seventeen (17) of this title; the second in one year, and the third in two years from and after such first publication. The second and third installments shall bear interest at the rate of seven per cent., commencing three months after the date of said first publication, until one month after they shall become due and payable. Monthly additions of interest shall be made to each of said installments, as provided in section seventeen (17) of this title, commencing one month after said installments shall severally become due and payable. If the first or second of such installments shall remain unpaid, after the same shall have become due and payable, for two months prior to the first day of May in any year, the whole of the assessment remaining unpaid shall be due and payable, and the treasurer shall add to the whole of said assessment remaining unpaid the monthly additions of interest specified in section eighteen, commencing one month after the first publication of the notice specified in section seventeen, but no other interest or addition, and shall certify the same to the comptroller in his abstract of unpaid assessments, as provided in section nineteen of this title, and the comptroller shall proceed to collect the whole of said assessment and addition in the same manner as other assessments returned to him unpaid are collected. If the last installment alone shall remain unpaid for two months prior to the first day of May in any year, after the same shall have become due and payable, the treasurer shall certify the amount of the same, with the monthly addi-



tions, and other interest as provided in this section to the comptroller, in his abstract of uncollected assessments, and the comptroller shall collect said installments as other unpaid assessments are collected. The treasurer may receive the whole of any assessment with accrued interest and additions at any time before the same is returned to the comptroller. Warrants drawn by direction of the common council in payment of any work or improvement, the assessment for which is payable in installments, shall be drawn payable by the city on a day certain; for one-third of the amount of the expense of such work or improvement in one year from date; one-third in two years; and one-third in three years from date. Such amounts shall bear interest at the rate of seven per cent., after three months from their dates. The treasurer may pay warrants with accrued interest thereon at any time before they shall become due, if there shall be funds in his hand arising from such assessment, applicable to the payment thereof, but none of such warrants shall be paid until all those which by their terms are sooner payable shall have been paid, unless he shall retain in his hands a sufficient amount to pay all such prior orders. The treasurer may at any time, when he shall have money in his hands applicable to the payment of such warrants, give notice in the official paper that he will pay all or any portion of such warrants, with accrued interest, on a day to be specified in said notice, and the interest upon such warrants shall cease from and after the day specified in such notice. If there shall not be sufficient moneys to the credit of the work or improvement, for which the assessment is made, to pay such warrants when the same shall become due, the comptroller may borrow, on the credit of the city, a sufficient amount of money, which he shall deposit with the treasurer, to pay the same, and the money arising from said assessment shall, when collected, be applied to the payment of the amount so borrowed and to no other purpose.

Warrants drawn for work on improvements, when to be made payable.

Treasurer may pay warrants whenever he has funds applicable thereto.

Comptroller may borrow deficiency to pay warrants.

§ 10. Section second of title seven of said act, is hereby amended by inserting after the word "commence" in the sixth line of said section the following

Five per cent. to be added.

words, to wit: "And the further sum of five per cent upon the amount of each tax, assessment, addition and interest."

§ 11. Section fifth of title seven of said act is hereby amended so as to read as follows:

Land sale  
in March  
and April.

§ 5. The comptroller shall hold a sale of such lands in March or April in every year.

Five per  
cent. to be  
added.

§ 12. Section eight of title seven of said act is hereby amended by inserting after the word "interest," in the second line of said section, the following words, to wit: "And the further sum of five per cent. upon the amount of any such tax, additions or assessment and interest."

§ 13. Section ten of title nine of said act is hereby amended so as to read as follows:

Expenses  
to be de-  
frayed by  
local as-  
sessment.

§ 10. The expense of all the work or improvements mentioned in sections six and seven of this title, except the cleaning of streets and alleys, shall be defrayed by local assessment.

§ 14. Section nineteen of title nine of said act is hereby amended so as to read as follows:

No con-  
tract to be  
made for  
work cost-  
ing over  
\$500, until  
publi-  
cation of  
notice for  
proposals.

§ 19. The city shall not enter into a contract with any person for the doing or making of a work or improvement at a price exceeding two hundred dollars until they shall have published a notice in five successive numbers of the official paper, inviting sealed proposals to do the work or make the improvement, pursuant to the plan, specifications, or other proper description of the work or improvement on deposit in the office, to be specified in the notice, and shall not enter into a contract for the doing or making any such work or improvement for a price exceeding five hundred dollars, until the assessment therefor has been confirmed.

§ 15. Section third of title eleven of said act is hereby amended so as to read as follows:

Free  
schools.

§ 3. Such schools shall be open and free to all children between five years and twenty years of age residing within their respective districts.

§ 16. Section two of title four of said act is hereby amended so as to read as follows:

Detailed  
statement  
of print-  
ing re-  
quired to

§ 2. On or before the first day of December in each year, the several city officers shall prepare and deliver to the city clerk a statement in detail of all the printing

that will be required in their respective departments for one year from the first day of January next thereafter; and the city clerk shall thereupon prepare specifications showing the amount and kind of printing that will be required by the city in all its departments for one year from the said first day of January, and shall give ten days' notice, by publishing the same in the official paper and two other daily papers published in said city, that sealed proposals will be received by him until the third Monday of December, for all the printing mentioned in said specifications, a copy of which shall be attached to said proposals and form a part thereof. Such specifications shall not include any matter which by law is to be published in the official paper, nor the minutes of the proceedings of the common council. On the said third Monday of December, at ten o'clock in the forenoon, the mayor, comptroller and treasurer, or either two of them, shall meet at the office of the mayor, and the city clerk shall deliver to them the sealed proposals which have been filed with him; and they shall publicly open the same and award such printing to the person or persons who shall have proposed to do the same for the lowest price, and they shall indorse on such lowest proposal a certificate that it is the lowest proposal and is accepted, and subscribe the same; and thereupon the said proposal shall be the contract between the person making the same and the city, for all printing mentioned in the specifications accompanying said proposal; and all of such printing shall be delivered to the city during the year. The city clerk shall, also in each year, give five days' notice by publishing the same in the official paper and two other daily papers published in said city, that sealed proposals will be received by him until the third Monday of January, for printing and binding the minutes of the proceedings of the common council for the ensuing year. Such notice shall state the number of copies, and the style of printing and binding required. On said third Monday of January, at ten o'clock in the forenoon, the mayor, comptroller and treasurer, or either two of them, shall meet at the office of the mayor, and the city clerk shall deliver to them

be made by city officers.

City clerk to prepare specifications and give notice for proposals for doing same.

Mayor, comptroller and treasurer to meet, open proposals and award contract.

City clerk to give notice for proposals for printing and binding proceedings of common council.

Mayor, etc., to meet and award contract.

the sealed proposals which have been filed with him, and they shall publicly open the same and award the printing and binding of such minutes to the person or persons who shall have proposed to do the same for the lowest price, and shall indorse on such lowest proposal a certificate that it is the lowest proposal and is accepted, and subscribe the same; and thereupon the said proposal shall be the contract for printing and binding such minutes for one year, between the person making the same and the city. No proposal shall be considered unless it is subscribed by the party making it, and accompanied by an undertaking to the city, with sureties, in such sum as shall be prescribed by ordinance, that it shall be faithfully performed. The accepted proposals and the undertaking accompanying the same shall be filed with the city clerk; the attorney shall prepare blank forms of proposals, which shall be printed and furnished to persons desiring them.

Proposals  
to be con-  
sidered.

§ 17. Title fifteen, section seven, is hereby amended so as to read as follows:

Proceed-  
ings in  
case the  
city shall  
order ex-  
tension or  
alteration  
of water  
works.

§ 7. When the city shall order the extension or alteration of the water-works, or the construction in whole or in part of new water-works, it shall determine upon the plans and specifications of such extension, alteration or construction; but no extension of said water-works shall be ordered except upon the recommendation of the water commissioners. When such extension, alteration or construction shall be ordered, it shall be the duty of said commissioners to advertise, by publication in the official paper of said city, and in two more daily papers, twice a week, for two weeks, a notice inviting, until a certain day, to be specified in the notice, sealed proposals to do the work and furnish the materials according to the plan and specifications on deposit in the office, to be specified in the notice.

§ 18. Section twelve, of title eleven, is hereby amended by adding at the end of said section the following: "The superintendent of education shall appoint a clerk, who shall be well versed in the German as well as the English language, who shall receive a salary of twelve hundred dollars per year. Nothing

Superin-  
tendent of  
education  
to appoint  
a clerk.

herein shall authorize but one clerk of said department."

§ 19. Section forty-six of title two of said act is hereby amended so as to read as follows:

§ 46. The justices of the peace of the twelfth and thirteenth wards shall have and execute, in their respective wards, the powers conferred by law upon the justices of the peace of towns in civil actions and proceedings, and may issue warrants in all criminal cases and proceedings in the execution of the laws in relation to the internal police of the State returnable before themselves in like manner as the law provides, may be done by the justices of peace of towns, but said justices shall not have jurisdiction of any criminal action or proceeding unless the crime or cause of action occurred or arose in their wards respectively. Said justices may be designated by the police commissioners of said city to act as justices at the station-houses in their respective wards for the trial of cases, and when so designated, they shall appear at such station-houses on such days and at such hour as said commissioners may direct, and proceed to examine into the cases of every person confined therein, and they shall have and execute the powers and jurisdiction now conferred by law upon justices designated to attend station-houses. Section forty-seven of title two, and section one of title ten of this act, shall not apply to this section, so far as the same relates to warrants being returnable before the police justice. All fines collected by said justices shall be paid into the city treasury monthly.

Jurisdiction, etc., of justices of the peace of 12th and 13th wards.

May be designated to act as justices at station-houses.

§ 20. Section forty-seven of said act is hereby amended so as to read as follows:

§ 47. The justices of the peace of the city may issue warrants in criminal cases and in the execution of the laws relating to the internal police of this State, returnable before the police justice. They shall not have power to take examinations in criminal cases, nor in the execution of the laws relating to the internal police of this State after arrest, nor to hold courts of special sessions.

Jurisdiction of justices of the peace of the city.

§ 21. Section forty-five of an act to amend an act entitled "An act to revise the charter of the city of Buf-

Execution may issue against corporations on judgments for penalties.

§ 3. Section fifteen of title three of said act is hereby amended by adding at the end thereof the following: "Except in cases where judgment for a fine or penalty is recovered against a corporation, in that case an execution against the property of such corporation may issue for the collection of the amount of such judgment and costs."

Heads of departments to deliver to comptroller estimates.

§ 4. Section three of title five of said act is hereby amended so as to read as follows:

§ 3. The heads of the different departments, including the police department, and the city officers, including the overseer of the poor, shall on or before the first day of March deliver to the comptroller a full and detailed estimate of the expenses and the amount of money required in their respective departments and offices for the fiscal year.

Salaries to be fixed by ordinance.

§ 5. Section four of title third of said act is hereby amended so as to read as follows:

§ 4. It shall, by ordinance, establish the salary or compensation to be paid to the several persons elected or appointed under this act, but after the year one thousand eight hundred and seventy-two, such compensation or salary shall be fixed before their election or appointment, and shall not be increased or diminished during the term of service, nor shall any extra compensation be granted to any such person, nor to any contractor. The salary of an alderman shall be two hundred and fifty dollars a year. The president of the common council two hundred and fifty dollars in addition thereto.

Salary of aldermen and president of common council.

§ 6. Section twenty-seven of title five of said act is hereby amended so as to read as follows:

City may recover tax, interest and five per cent additional by action.

§ 27. The city may recover by action the amount of every tax, with the additions and interest unpaid, and the further sum of five per cent. upon the amount of such tax, interest and additions, from the persons liable to pay the same, which shall remain unpaid for more than ninety days after the delivery of the rolls to the treasurer.

§ 7. Title five of said act is hereby amended by adding the following as sections twenty-eight, twenty-nine and thirty:

§ 28. The treasurer of the county of Erie shall, immediately upon the passage of this act, present to the common council of the city of Buffalo a detailed statement of the amount of money appropriated and levied by the board of supervisors of the county of Erie, for the temporary relief of the poor of the city of Buffalo, for the year ending October first, one thousand eight hundred and seventy-two, including the amount appropriated and levied to pay outstanding liabilities of the poor department of the city of Buffalo for the preceding year, the amount of such moneys collected by him, the amount thereof paid out by him, the amount remaining in his hands, and the amount thereof still uncollected. He shall pay over to the treasurer of the city of Buffalo all such moneys remaining in the county treasury, and shall thereafter pay over to said city treasurer weekly, all moneys belonging to said fund which he shall thereafter collect.

County treasurer to present to common council detailed statement of moneys appropriated for temporary relief for city poor.

To pay same over to city treasurer.

§ 29. The board of supervisors of Erie county shall not hereafter appropriate or raise any moneys for the temporary relief of the poor of the city of Buffalo. All moneys appropriated and raised for such purpose within the city, and all moneys expended by the overseer of the poor, shall be estimated, appropriated, raised and expended as a portion of the general fund, and expenditures thereof shall be ordered, audited and paid in the same manner as all other charges upon the general fund.

No appropriation to be made by supervisors. Moneys required, how raised.

§ 30. The city of Buffalo shall pay all bills which have been legally contracted prior to the passage of this act, and which are a charge against the county of Erie, for expenditures for the temporary relief of the poor in the city, and the common council may borrow, upon the credit of the city, a sufficient amount of money to defray the expenses of the poor department of the city, until the estimates of the amount necessary to be raised by general tax for the year eighteen hundred and seventy-three shall be confirmed.

City to pay all bills legally contracted prior to the passage of this act.

§ 8. Section fourteen of title six of said act is hereby amended by adding at the end thereof the following: "The clerk shall also at the same time report to the

City clerk to report rolls confirmed by lapse of time.

common council the rolls that have been confirmed by lapse of time."

§ 9. Title six of said act is hereby amended by adding the following as section twenty-two:

When expense of improvements ordered may be paid in installments.

Installments, when payable.

Interest to be added.

In case of failure to pay installments whole amount to become due

§ 22. When any work or improvement shall be ordered by the common council; the expense whereof shall exceed the sum of five thousand dollars, and is to be defrayed by moneys raised by local assessments, the several assessments contained in any roll made for the purpose of raising said money, may be paid in three equal installments. The first of said installments shall be due and payable from and after the date of the first publication of the notice specified in section seventeen (17) of this title; the second in one year, and the third in two years from and after such first publication. The second and third installments shall bear interest at the rate of seven per cent., commencing three months after the date of said first publication, until one month after they shall become due and payable. Monthly additions of interest shall be made to each of said installments, as provided in section seventeen (17) of this title, commencing one month after said installments shall severally become due and payable. If the first or second of such installments shall remain unpaid, after the same shall have become due and payable, for two months prior to the first day of May in any year, the whole of the assessment remaining unpaid shall be due and payable, and the treasurer shall add to the whole of said assessment remaining unpaid the monthly additions of interest specified in section eighteen, commencing one month after the first publication of the notice specified in section seventeen, but no other interest or addition, and shall certify the same to the comptroller in his abstract of unpaid assessments, as provided in section nineteen of this title, and the comptroller shall proceed to collect the whole of said assessment and addition in the same manner as other assessments returned to him unpaid are collected. If the last installment alone shall remain unpaid for two months prior to the first day of May in any year, after the same shall have become due and payable, the treasurer shall certify the amount of the same, with the monthly addi-



tions, and other interest as provided in this section to the comptroller, in his abstract of uncollected assessments, and the comptroller shall collect said installments as other unpaid assessments are collected. The treasurer may receive the whole of any assessment with accrued interest and additions at any time before the same is returned to the comptroller. Warrants drawn by direction of the common council in payment of any work or improvement, the assessment for which is payable in installments, shall be drawn payable by the city on a day certain; for one-third of the amount of the expense of such work or improvement in one year from date; one-third in two years; and one-third in three years from date. Such amounts shall bear interest at the rate of seven per cent., after three months from their dates. The treasurer may pay warrants with accrued interest thereon at any time before they shall become due, if there shall be funds in his hand arising from such assessment, applicable to the payment thereof, but none of such warrants shall be paid until all those which by their terms are sooner payable shall have been paid, unless he shall retain in his hands a sufficient amount to pay all such prior orders. The treasurer may at any time, when he shall have money in his hands applicable to the payment of such warrants, give notice in the official paper that he will pay all or any portion of such warrants, with accrued interest, on a day to be specified in said notice, and the interest upon such warrants shall cease from and after the day specified in such notice. If there shall not be sufficient moneys to the credit of the work or improvement, for which the assessment is made, to pay such warrants when the same shall become due, the comptroller may borrow, on the credit of the city, a sufficient amount of money, which he shall deposit with the treasurer, to pay the same, and the money arising from said assessment shall, when collected, be applied to the payment of the amount so borrowed and to no other purpose.

Warrants drawn for work on improvements, when to be made payable.

Treasurer may pay warrants whenever he has funds applicable thereto.

Comptroller may borrow deficiency to pay warrants.

§ 10. Section second of title seven of said act, is hereby amended by inserting after the word "commence" in the sixth line of said section the following

Five per cent. to be added.

## Chap. 826.

AN ACT to repeal chapter six hundred and sixty-eight of the Laws of eighteen hundred and seventy-one, entitled "An act to provide for the payment of counsel, required to be employed on behalf of the State, in pursuance of the provisions of section two of chapter three hundred and twenty-one of the Laws of eighteen hundred and seventy."

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Chapter  
668, Laws  
of 1871,  
repealed.

SECTION 1. Chapter six hundred and sixty-eight, Laws of eighteen hundred and seventy-one, entitled "An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section two of chapter three hundred and twenty-one of the Laws of eighteen hundred and seventy," is hereby repealed.

§ 2. This act shall take effect immediately.

## Chap. 827.

AT ACT to improve the navigation of the Baldwinsville canal.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Persons  
interested  
may put  
flush  
boards on  
Baldwins-  
ville dam.

SECTION 1. Any person interested in the navigation of the Baldwinsville canal, is hereby authorized to put flush boards on the Baldwinsville dam, whenever the Canal Commissioner in charge deems it necessary for the purpose of improving the navigation of said canal, provided that the State shall in no manner be made liable for any damage to property arising from said act, and provided further that nothing herein contained shall be construed in any manner to affect the provisions of section

State not  
to be  
liable for  
damages.

seven of chapter one hundred and fifty-three of the Laws of eighteen hundred and fifty, or to authorize the raising of said dam higher than is allowed by said chapter one hundred and fifty-three of the Laws of eighteen hundred and fifty.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

## Chap. 828.

AN ACT to amend an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy; amended April twenty-fifth, eighteen hundred and seventy-one; amended January twelfth, eighteen hundred and seventy-two, and to amend section forty-five of chapter seven hundred and nineteen of the Laws of eighteen hundred and seventy-one.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The third section of title two of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eight, eighteen hundred and seventy, amended January twelfth, eighteen hundred and seventy-two, is hereby amended by inserting after the word "annually" in the sixth line of said section the words "in each ward."

§ 2. Section eighteen of title two of the said act is hereby amended so as to read as follows:

§ 18. On the first Monday of January, or as soon thereafter as practicable, the common council shall, by ballot, appoint a city clerk, a commissioner of public buildings, clerks of the markets, three sealers of weights and measures, one or more pound keepers, sexton and keepers of public grounds; and may, by resolution or ballot, appoint such other agents and servants as shall be necessary.

Common  
council to  
appoint  
city clerk,  
etc.

Execution may issue against corporations on judgments for penalties.

§ 3. Section fifteen of title three of said act is hereby amended by adding at the end thereof the following: "Except in cases where judgment for a fine or penalty is recovered against a corporation, in that case an execution against the property of such corporation may issue for the collection of the amount of such judgment and costs."

Heads of departments to deliver to comptroller estimates.

§ 4. Section three of title five of said act is hereby amended so as to read as follows:

§ 3. The heads of the different departments, including the police department, and the city officers, including the overseer of the poor, shall on or before the first day of March deliver to the comptroller a full and detailed estimate of the expenses and the amount of money required in their respective departments and offices for the fiscal year.

Salaries to be fixed by ordinance.

§ 5. Section four of title third of said act is hereby amended so as to read as follows:

§ 4. It shall, by ordinance, establish the salary or compensation to be paid to the several persons elected or appointed under this act, but after the year one thousand eight hundred and seventy-two, such compensation or salary shall be fixed before their election or appointment, and shall not be increased or diminished during the term of service, nor shall any extra compensation be granted to any such person, nor to any contractor. The salary of an alderman shall be two hundred and fifty dollars a year. The president of the common council two hundred and fifty dollars in addition thereto.

Salary of aldermen and president of common council.

§ 6. Section twenty-seven of title five of said act is hereby amended so as to read as follows:

City may recover tax, interest and five per cent additional by action.

§ 27. The city may recover by action the amount of every tax, with the additions and interest unpaid, and the further sum of five per cent. upon the amount of such tax, interest and additions, from the persons liable to pay the same, which shall remain unpaid for more than ninety days after the delivery of the rolls to the treasurer.

§ 7. Title five of said act is hereby amended by adding the following as sections twenty-eight, twenty-nine and thirty:

§ 28. The treasurer of the county of Erie shall, immediately upon the passage of this act, present to the common council of the city of Buffalo a detailed statement of the amount of money appropriated and levied by the board of supervisors of the county of Erie, for the temporary relief of the poor of the city of Buffalo, for the year ending October first, one thousand eight hundred and seventy-two, including the amount appropriated and levied to pay outstanding liabilities of the poor department of the city of Buffalo for the preceding year, the amount of such moneys collected by him, the amount thereof paid out by him, the amount remaining in his hands, and the amount thereof still uncollected. He shall pay over to the treasurer of the city of Buffalo all such moneys remaining in the county treasury, and shall thereafter pay over to said city treasurer weekly, all moneys belonging to said fund which he shall thereafter collect.

County treasurer to present to common council detailed statement of moneys appropriated for temporary relief for city poor.

To pay same over to city treasurer.

§ 29. The board of supervisors of Erie county shall not hereafter appropriate or raise any moneys for the temporary relief of the poor of the city of Buffalo. All moneys appropriated and raised for such purpose within the city, and all moneys expended by the overseer of the poor, shall be estimated, appropriated, raised and expended as a portion of the general fund, and expenditures thereof shall be ordered, audited and paid in the same manner as all other charges upon the general fund.

No appropriation to be made by supervisors. Moneys required, how raised.

§ 30. The city of Buffalo shall pay all bills which have been legally contracted prior to the passage of this act, and which are a charge against the county of Erie, for expenditures for the temporary relief of the poor in the city, and the common council may borrow, upon the credit of the city, a sufficient amount of money to defray the expenses of the poor department of the city, until the estimates of the amount necessary to be raised by general tax for the year eighteen hundred and seventy-three shall be confirmed.

City to pay all bills legally contracted prior to the passage of this act.

§ 8. Section fourteen of title six of said act is hereby amended by adding at the end thereof the following: "The clerk shall also at the same time report to the

City clerk to report rolls confirmed by lapse of time.

common council the rolls that have been confirmed by lapse of time."

§ 9. Title six of said act is hereby amended by adding the following as section twenty-two:

When expense of improvements ordered may be paid in installments.

Installments, when payable.

Interest to be added.

In case of failure to pay installments whole amount to become due.

§ 22. When any work or improvement shall be ordered by the common council, the expense whereof shall exceed the sum of five thousand dollars, and is to be defrayed by moneys raised by local assessments, the several assessments contained in any roll made for the purpose of raising said money, may be paid in three equal installments. The first of said installments shall be due and payable from and after the date of the first publication of the notice specified in section seventeen (17) of this title; the second in one year, and the third in two years from and after such first publication. The second and third installments shall bear interest at the rate of seven per cent., commencing three months after the date of said first publication, until one month after they shall become due and payable. Monthly additions of interest shall be made to each of said installments, as provided in section seventeen (17) of this title, commencing one month after said installments shall severally become due and payable. If the first or second of such installments shall remain unpaid, after the same shall have become due and payable, for two months prior to the first day of May in any year, the whole of the assessment remaining unpaid shall be due and payable, and the treasurer shall add to the whole of said assessment remaining unpaid the monthly additions of interest specified in section eighteen, commencing one month after the first publication of the notice specified in section seventeen, but no other interest or addition, and shall certify the same to the comptroller in his abstract of unpaid assessments, as provided in section nineteen of this title, and the comptroller shall proceed to collect the whole of said assessment and addition in the same manner as other assessments returned to him unpaid are collected. If the last installment alone shall remain unpaid for two months prior to the first day of May in any year, after the same shall have become due and payable, the treasurer shall certify the amount of the same, with the monthly addi-







that will be required in their respective departments for one year from the first day of January next thereafter; and the city clerk shall thereupon prepare specifications showing the amount and kind of printing that will be required by the city in all its departments for one year from the said first day of January, and shall give ten days' notice, by publishing the same in the official paper and two other daily papers published in said city, that sealed proposals will be received by him until the third Monday of December, for all the printing mentioned in said specifications, a copy of which shall be attached to said proposals and form a part thereof. Such specifications shall not include any matter which by law is to be published in the official paper, nor the minutes of the proceedings of the common council. On the said third Monday of December, at ten o'clock in the forenoon, the mayor, comptroller and treasurer, or either two of them, shall meet at the office of the mayor, and the city clerk shall deliver to them the sealed proposals which have been filed with him; and they shall publicly open the same and award such printing to the person or persons who shall have proposed to do the same for the lowest price, and they shall indorse on such lowest proposal a certificate that it is the lowest proposal and is accepted, and subscribe the same; and thereupon the said proposal shall be the contract between the person making the same and the city, for all printing mentioned in the specifications accompanying said proposal; and all of such printing shall be delivered to the city during the year. The city clerk shall, also in each year, give five days' notice by publishing the same in the official paper and two other daily papers published in said city, that sealed proposals will be received by him until the third Monday of January, for printing and binding the minutes of the proceedings of the common council for the ensuing year. Such notice shall state the number of copies, and the style of printing and binding required. On said third Monday of January, at ten o'clock in the forenoon, the mayor, comptroller and treasurer, or either two of them, shall meet at the office of the mayor, and the city clerk shall deliver to them

be made by city officers.

City clerk to prepare specifications and give notice for proposals for doing same.

Mayor, comptroller and treasurer to meet, open proposals and award contract.

City clerk to give notice for proposals for printing and binding proceedings of common council.

Mayor, etc., to meet and award contract.

the sealed proposals which have been filed with him, and they shall publicly open the same and award the printing and binding of such minutes to the person or persons who shall have proposed to do the same for the lowest price, and shall indorse on such lowest proposal a certificate that it is the lowest proposal and is accepted, and subscribe the same; and thereupon the said proposal shall be the contract for printing and binding such minutes for one year, between the person making the same and the city. No proposal shall be considered unless it is subscribed by the party making it, and accompanied by an undertaking to the city, with sureties, in such sum as shall be prescribed by ordinance, that it shall be faithfully performed. The accepted proposals and the undertaking accompanying the same shall be filed with the city clerk; the attorney shall prepare blank forms of proposals, which shall be printed and furnished to persons desiring them.

Proposals  
to be con-  
sidered.

§ 17. Title fifteen, section seven, is hereby amended so as to read as follows:

§ 7. When the city shall order the extension or alteration of the water-works, or the construction in whole or in part of new water-works, it shall determine upon the plans and specifications of such extension, alteration or construction; but no extension of said water works shall be ordered except upon the recommendation of the water commissioners. When such extension, alteration or construction shall be ordered, it shall be the duty of said commissioners to advertise, by publication in the official paper of said city, and in two more daily papers, twice a week, for two weeks, a notice inviting, until a certain day, to be specified in the notice, sealed proposals to do the work and furnish the materials according to the plan and specifications on deposit in the office, to be specified in the notice.

Proceed-  
ings in  
case the  
city shall  
order ex-  
tension or  
alteration  
of water  
works.

§ 18. Section twelve, of title eleven, is hereby amended by adding at the end of said section the following: "The superintendent of education shall appoint a clerk, who shall be well versed in the German as well as the English language, who shall receive a salary of twelve hundred dollars per year. Nothing

Superin-  
tendent of  
education  
to appoint  
a clerk.

herein shall authorize but one clerk of said department."

§ 19. Section forty-six of title two of said act is hereby amended so as to read as follows:

§ 46. The justices of the peace of the twelfth and thirteenth wards shall have and execute, in their respective wards, the powers conferred by law upon the justices of the peace of towns in civil actions and proceedings, and may issue warrants in all criminal cases and proceedings in the execution of the laws in relation to the internal police of the State returnable before themselves in like manner as the law provides, may be done by the justices of peace of towns, but said justices shall not have jurisdiction of any criminal action or proceeding unless the crime or cause of action occurred or arose in their wards respectively. Said justices may be designated by the police commissioners of said city to act as justices at the station-houses in their respective wards for the trial of cases, and when so designated, they shall appear at such station-houses on such days and at such hour as said commissioners may direct, and proceed to examine into the cases of every person confined therein, and they shall have and execute the powers and jurisdiction now conferred by law upon justices designated to attend station-houses. Section forty-seven of title two, and section one of title ten of this act, shall not apply to this section, so far as the same relates to warrants being returnable before the police justice. All fines collected by said justices shall be paid into the city treasury monthly.

Jurisdiction, etc., of justices of the peace of 12th and 13th wards.

May be designated to act as justices at station-houses.

§ 20. Section forty-seven of said act is hereby amended so as to read as follows:

§ 47. The justices of the peace of the city may issue warrants in criminal cases and in the execution of the laws relating to the internal police of this State, returnable before the police justice. They shall not have power to take examinations in criminal cases, nor in the execution of the laws relating to the internal police of this State after arrest, nor to hold courts of special sessions.

Jurisdiction of justices of the peace of the city.

§ 21. Section forty-five of an act to amend an act entitled "An act to revise the charter of the city of Buf-

falo," passed April twenty-eight, eighteen hundred and seventy, passed April twenty-fifth, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Not to  
change  
the time  
of electing  
judges.  
Salary of  
judges.

§ 45. Nothing in this act contained shall be construed to change the time of holding the election of judges of the superior court of Buffalo. The city of Buffalo shall pay to each of said judges the annual salary of six thousand dollars, to be paid quarterly.

§ 22. This act shall take effect immediately.

## Chap. 829.

AN ACT in relation to the formation of railroad companies.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

When  
persons  
who have  
signed  
articles  
and who  
shall  
thereafter  
become  
stockhold-  
ers, shall  
be and  
become a  
corpora-  
tion.

SECTION 1. Whenever any number of persons, not less than twenty-five, shall make and sign, or shall before the passage of this act have made and signed, articles of association, containing the statements required by section one of an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, except the names and places of residence of thirteen directors of the company as therein provided; and thereafter thirteen directors have been chosen at a meeting of subscribers to such articles, and the names and places of residence of such directors so chosen have been inserted in such articles so subscribed, and there has been indorsed thereon the affidavit prescribed by the second section of said act, and said articles have been filed and recorded in the office of Secretary of State; thereupon, the persons who have subscribed such articles, and all persons who shall thereafter become stockholders in such company shall be a corporation by the name specified in such articles of association, and have the same powers and privileges, and be subject to the same liabilities, as though such articles had when signed contained the names and places of residence of such directors.

§ 2. This act shall take effect immediately.

## Chap. 830.

AN ACT to amend an act entitled "An act to incorporate the Binghamton and Port Dickinson Railroad Company."

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to incorporate the Binghamton and Port Dickinson Railroad Company," is hereby amended by striking out the name of George Stow as one of the corporators, and inserting in lieu thereof the name of Tracy R. Morgan; and also by striking out the name of Nelson Stow, and inserting in lieu thereof the name of David L. Bronson.

Names of  
of George  
and Nel-  
son Stow  
stricken  
out and  
Tracy R.  
Morgan  
and David  
L. Bron-  
son  
inserted.

§ 2. Said company or corporation, in addition to the powers now vested in them, are hereby authorized and empowered to lay, construct, operate and use a railroad, with double or single track, through, upon and along Exchange and South Water streets, in the city of Binghamton.

May build  
and oper-  
ate a rail-  
road upon  
Exchange  
and South  
Water  
streets.

§ 3. This act shall take effect immediately.

## Chap. 831.

AN ACT to authorize the board of Canal Commissioners to settle with James H. Sherrill for constructing a stone dam across the Mohawk river, at Cohoes, for the Erie and Champlain canals, at prices equal to the cost of such work as found by the Canal Board under chapter five hundred and forty-three of the Laws of eighteen hundred and seventy.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Canal Board having, in pursuance of chapter five hundred and forty-three of the Laws of

Recital as  
to action  
of Canal  
Board.

eighteen hundred and seventy, examined the contract of James H. Sherrill for constructing a stone dam across the Mohawk river, at Cohoes, for the Erie and Champlain canals, and taken proofs in regard to the cost of said work, and after such proofs and examinations having found that, owing to unexpected difficulties in the work, and other unforeseen causes, the actual cost of such work is above the contract price, and that such cost would exceed the contract price to the amount and in the items particularly set forth in schedule "B" in the resolution of the Canal Board, passed and entered on their minutes February fourteenth, eighteen hundred and seventy-one, and said board having declined to determine and specify the same as the prices which said Sherrill should have for the work done or materials furnished subsequent to the passage of said act, or for the work to be done or materials furnished under said contract, and having declined to fix the prices specified in said schedule "B," or any prices for such work or materials other than the prices specified in said contract, for the sole reason that such fixing and specifying of prices before such work was completed would be a violation of article seven of section three of the Constitution of this State, and said work having since been fully completed and the contract closed, the Board of Canal Commissioners is hereby authorized and required to settle with said James H. Sherrill, and allow and pay him for all the work done under his said contract since May second, eighteen hundred and seventy, and for all materials furnished on said work since said date, the prices for said work and materials stated specifically in said schedule "B," deducting any and all payments that may have been made him under said contract for said work and materials; and such payment shall be made from any moneys appropriated for extraordinary repairs.

§ 2. This act shall take effect immediately.

Canal  
Commissioners  
author-  
ized to  
settle with  
and pay  
James H.  
Sherrill  
for work  
done and  
materials  
furnished,  
the prices  
stated in  
schedule  
B.

## Chap. 832.

AN ACT to authorize the Peekskill Iron Company to construct and operate a narrow gauge railroad in the towns of Cortlandt, Westchester county, and Phillipstown, Putnam county.

Passed May 22, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the Peekskill Iron Company to construct, maintain and operate a single track railroad, of a gauge not to exceed three feet six inches, with iron rails of a weight not less than twenty-two pounds to the lineal yard, for the transportation of iron ore and other materials, from a point at or near the Croft mine in the town of Phillipstown, Putnam county, to a point on the Hudson river, at or near the blast furnace of said Peekskill Iron Company, in the town of Cortlandt, Westchester county, the entire length of said railroad not to exceed eight miles, with such switches, turnouts and siding as may be necessary.

Peekskill Iron Co. may construct and operate a single track railroad.

Route.

§ 2. In case the said Peekskill Iron Company shall be unable to agree for the purchase of the real estate or right of way required for the construction of said railroad, it shall have the right to acquire title to the same in the manner and by the special proceeding authorized and prescribed in and by the act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty, and the several acts amendatory thereof, upon the presentation, by said company, of a petition to the Supreme Court, in the manner specified in and by said last mentioned act, containing a description of the real estate which the company seeks to acquire, and that it is the intention of said company to construct and finish the railroad authorized by this act, and all the provisions of said act authorizing the formation of railroad corporations, and the several acts amendatory thereof,

Title to necessary real estate, how acquired.

not inconsistent with the provisions of this act, shall apply to the said railroad authorized by this act, and to the construction, maintenance and operation thereof.

§ 3. This act shall take effect immediately.

## Chap. 833.

AN ACT to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corporate  
name.

Capital  
stock.

Increase  
of.

When  
work on  
road may  
com-  
mence.  
Commis-  
sioners.

SECTION 1. The Metropolitan Transit Company is hereby created a body corporate and politic under the said title. The principal office of the said corporation shall be located in the city of New York. The capital stock of said corporation shall be five millions of dollars, divided into fifty thousand shares of one hundred dollars each. Whenever, in the opinion of the original stockholders of said corporation, it shall be deemed necessary to increase the capital stock, and two-thirds of the representation of said stock shall vote for such increase before the completion of the railroads and bridges herein authorized to be constructed and operated, it shall be lawful to increase the capital stock of said corporation to an amount not exceeding ten millions of dollars, which increased capital stock shall be subject in all respects to the provisions herein contained, as to subscriptions and payments, as relate to the original stock herein authorized to be created. And work on said road shall not be commenced until ten per cent. of the capital stock shall have been paid in, in cash.

§ 2. Henry E. Davies, Jr., John T. Conover, Charles F. Maurice, Daniel Clark Briggs, James B. Swain, Cyrus Frost and John J. Herrick, are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said corporation, upon such terms



and conditions as a majority of said commissioners shall determine and publish, at least thirty days before the opening of said books, in at least four newspapers published daily in the city of New York, and having the largest circulation in said city. In case of the death, resignation or refusal to serve of either of the persons herein named, a majority of the said commissioners shall have power to fill the vacancy thereby created. Whenever, in the opinion of a majority of said commissioners, the books of subscription to the capital stock of said corporation shall have remained open a sufficient period for such subscriptions to have been made, they shall call a meeting of the subscribers to said capital stock (of which meeting, and the time and place of holding the same, not less than ten days' notice shall be given by publication in the papers in which the notice of the opening of the books was originally published) and, under the direction of the said commissioners, the subscribers to the capital stock of said corporation shall, in person or by proxy, proceed to elect thirteen directors of said corporation. At such election each share of the capital stock shall entitle the holder thereof to one vote. The said commissioners shall be entitled to pay, from the proceeds of any subscriptions which may have been received by them, the necessary and proper expenses incurred prior to the election of said thirteen directors, and shall, on the organization of said board of directors by their election of a president, vice-president, secretary and treasurer, transfer to the treasurer of said corporation the balance remaining in their hands, after the payment of said expenses, together with the vouchers for such payments, and all books of subscription, and all other papers and books in anywise pertaining to the preliminary organization of said corporation. After the election of said board of directors, and the election by said board of the officers heretofore named, the organization of the corporation created by section one of this act shall be deemed to be in all respects perfected. It shall be the duty of the commissioners named in this section forthwith, after said election, to transmit to the Secretary of State, a certified copy of the votes cast at the election of the board of directors,

Vacancy,  
how filled.

Commissioners to  
call meeting of sub-  
scribers.

Election  
of directors.

Expenses  
prior to  
election,  
how paid.

Organiza-  
tion, when  
perfected.

Certified  
copy of  
votes to be  
filed in  
office of  
Secretary  
of State.

Term of  
office.

Election,  
when  
held.

Powers  
and  
privileges.

No right  
to use or  
occupy  
streets or  
public  
places.

May con-  
struct ele-  
vated  
railroad.

Route of

and the names and residences of the directors chosen at said election, which certified copy shall be duly filed by the said Secretary of State in the archives of his office. The directors so chosen shall hold their offices for one year, or until their successors are duly chosen. After the election of the board of directors provided for in this section, an election of directors shall be held on each succeeding anniversary of said election, except when such anniversary occurs on a legal holiday, when such election shall be held on the first succeeding business day.

§ 3. The corporation hereby created shall possess all the powers and privileges, and be subject to all the provisions of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof, and additional thereto, except so far as the provisions of the said acts are modified by, or are consistent with, the provisions of this act; and the said corporation is hereby authorized and empowered to construct, operate, maintain and use double track railways on the line hereinafter described, and necessary sidings, and switches, depots and workshops, and to convey passengers, freight and property, in cars, propelled by steam or other power, for compensation, under, through and above the soil, and beneath and over certain streets, avenues, squares and grounds in the city of New York, as hereinafter specified; but said corporation shall have no right to acquire the use or occupancy of any of the streets or public places in the city of New York under the provisions of said acts, or by any agreement or grant of the city authorities, except such use or occupancy as is granted or provided for in this act, and except such temporary rights and privileges during the period of constructing said railways authorized in this act, as the proper authorities may grant to said corporation to facilitate such construction.

§ 4. The corporation hereby created is authorized to construct, maintain and operate an elevated railroad, with a double track, above and along the following route or routes: commencing at Broadway, at a point opposite Bowling Green; thence through private prop-

erty to Morris street, opposite Church street; thence through Church street to Canal street; thence through private property parallel to Green street, and at least seventy-five feet west from the westerly side of Green street to a point at least one hundred feet south of the southerly side of Houston street; thence on a curved line to a point at least seventy-five feet north of the northerly side of Bleecker street, at its intersection with Sullivan street; thence in a straight line westerly to McDougall street to a point at least seventy-five feet north of the northerly side of Bleecker street; thence with a curved line to a point at least seventy-five feet west of the westerly side of Sixth avenue, at West Washington place; thence parallel with Sixth avenue at least seventy-five feet west of the westerly side thereof, to the northerly side of Thirty-seventh street; thence with a curved line, to a point at least seventy-five feet west of the westerly side of Seventh avenue, to Forty-second street; thence parallel to Seventh avenue, at least seventy-five feet west of the westerly side of Seventh avenue, to the northerly side of Fifty-fifth street; thence on a curved line to a point where Fifty-eighth street intersects Broadway; thence along Broadway and the westerly curve of the circle to the intersection of Broadway and Sixtieth street; thence with a curved line to Sixty-third street, at least one hundred and fifty feet west of the westerly side of Ninth avenue; thence parallel with Ninth avenue, at least one hundred and fifty feet west of the westerly side of the Ninth avenue, to One Hundred and Seventy-first or One Hundred and Seventy-fifth street; thence with a curved line to the Harlem river. Also, from a point south of Forty-second street, on and to connect with the line heretofore described, easterly and northerly to the grand central depot at Forty-second street and Fourth avenue; also a branch from a point north of Fortieth street on and to connect with the line heretofore described, westerly and northerly to and across the Eleventh avenue to and to connect with the track or tracks of the Hudson River Railroad Company. Also, a branch from a point south of One Hundred and Seventy-fifth street, on and to connect with the line heretofore described, westerly

Branches

and northerly to the Harlem river at King's bridge. The exact location of the lines of the three branches heretofore authorized shall be such as is deemed most practicable, and best calculated to promote the public interests, by a board to be composed of the State Engineer and Surveyor, the chief engineer of the Croton aqueduct and an engineer to be appointed by the corporation hereby created. The necessary surveys and maps for determining the lines of said branches shall be made under the direction of the said board of engineers, at the expense of the corporation hereby created. Steam or other equivalent motive power may be used for propelling cars and operating the elevated railroads and branches herein authorized to be constructed and operated. The corporation hereby created may also construct and operate a suspended railroad upon and along the route or routes heretofore described, on which horses or other animals may be used for moving the cars. The corporation hereby created may also construct and operate a depressed or underground railroad, with a double track, from the northerly side of Canal street, under and along the line of the said elevated railroad heretofore described, to a point north of Fortieth street; and thence westerly and northerly under and along the line of the said elevated railroad, as it shall be determined by the board of engineers heretofore named, to and to connect with the track or tracks of the Hudson River Railroad Company at a point south of Seventy-first street. Also, a branch from the northerly side of Canal street, westerly and southerly to the freight depot of the Hudson River Railroad Company at the block or square formerly known as St. John's park. The exact location of said branch shall be determined by the board of engineers heretofore named. Upon the depressed or underground railroad herein authorized to be constructed and operated, steam or other equivalent power may be used for propelling cars. If, in the construction of the said depressed or underground railroad, it shall be found necessary to change the course or grade of any existing sewer, Croton water pipe or gas pipe, such change shall be made in such manner as the engineer of the Croton aqueduct shall deem most feasible,

**Exact location of branches, how determined.**

**Surveys and maps.**

**Motive power.**

**Suspended railroad.**

**Depressed or underground railroad.**

**Route of.**

**Branch.**

**Exact location of branch, how determined.**

**Motive power.**

**Changing sewer, water pipe, etc.**

and at the expense of the corporation hereby created. The corporation hereby created may also construct and use a bridge for railroad purposes across the Harlem river at the northern terminus of its railroads at or near High or Croton aqueduct bridge; also a like bridge, for like purposes, across the Harlem river at the northern terminus of its branch railroads at or near King's bridge. Said bridges may cross the Harlem river on or above the ordinary grade of the bridge crossing said river on the line of the New York and Harlem Railroad Company. If it shall be determined to construct such bridges on a grade of less elevation than that of High bridge, they shall be provided with draws or openings of such capacity as the board of engineers hereinbefore named shall determine to be necessary. If the said bridges are constructed without such draws or openings, they shall be elevated to a height equal to that of the High or Croton aqueduct bridge. It shall not be lawful, in constructing such bridges, to use a greater number of piers or abutments than are used to sustain the said High or Croton aqueduct bridge.

May construct bridges across Harlem river.

Grade of

Draws or openings, how determined

Number of piers or abutments.

§ 5. For the purpose of making, constructing and operating the said railways, the corporation hereby created is authorized and empowered to enter upon, and underneath, and to cross above the several streets, avenues, squares, public places and lands on the routes hereinbefore specified, and to enter into and upon the soil of the same, to construct and maintain said railway along the route, and to the points herein specified and contemplated; such railways to be constructed in the most thorough manner, and substantially upon the plans submitted to the railroad committees of the Senate and Assembly, by James B. Swain, on behalf of the corporation hereby created. In the construction of said railways, the said corporation shall regard the proper care and preservation of the streets and public works of said city, and shall be subject to such reasonable rules and regulations as to the crossing of the streets with said railroads as the commissioner of public works of said city may from time to time prescribe. Said railways shall be laid, constructed and operated upon property to be purchased or acquired. The said cor-

Powers conferred for the purpose of making and operating said railways.

Manner of construction.

Care and preservation of streets, etc.

Regulations as to crossing streets.

Railways to be laid, etc., on purchased or ac-

quired  
property.

Space oc-  
cupied at  
termini..

Construc-  
tion at  
street  
crossings  
etc.

Fences or  
railings.

May make  
excava-  
tions,  
openings,  
etc.

Street to  
be kept  
open.

Surface  
and pave-  
ment to be  
restored.

Elevation  
at cross-  
ings.

May hold  
real  
estate.

poration may purchase, take and occupy a space not more than fifty feet in width upon and along the line or lines heretofore described and also make the necessary connections, stations, platforms, stairways, turnouts, switches, and conveniences for the proper working and accommodation of the railroads herein authorized to be constructed and operated. The said corporation may, however, purchase, take and occupy such spaces or ground at the several termini of the said railroads, as may be deemed necessary for their accommodation.

§ 6. Such depressed or underground railway shall, wherever it crosses any public street, avenue, square, place or ground, be constructed at such depth below the surface and in such manner as effectually to prevent any interference with the surface of said streets, avenues, squares or grounds, or the use of the same, with such exceptions as are provided for in this act. There shall be placed suitable fences or railings across each of the back yards of the premises crossed by the said depressed or underground railway, or through which the same may run. During the progress of construction it shall be lawful to make such excavations, openings and erections on or upon said streets, avenues, squares and grounds under which said railway shall be constructed, or above which said railway tracks shall be laid, as shall be necessary from time to time. One-half the width of said street shall be always kept open for public travel. In all cases the surface and pavement of said streets, avenues, squares and places shall be restored by said company to as good a condition as that in which they were before such excavations, openings or erections were made. Such elevated railway shall, wherever it crosses any public street, avenue, square, ground or place, be elevated at least fourteen feet in the clear above the curb of such street or avenue, or the level of such square, ground or place.

§ 7. The said corporation shall have the right to acquire the title to hold such real estate or interest therein as may be necessary to enable it to construct and operate said railways as herein provided, and to construct and maintain the proper platforms, stations, connections, stairways, switches, approaches and build-

ings, of said corporation at such points along the route as may be most convenient and suitable for the ingress and egress of passengers and freight, and necessary for the operation of the railways for proper communication between said railways and platforms and said stations and buildings, and access thereto and for carrying out the purposes of this act. In case said corporation shall be unable to agree with the owner or owners of any real estate, or of any property, rights, franchises or interests required by it in the construction and operation of said roads, or necessary depots, platforms, stairways, turnouts, switches, connections or approaches connected therewith, as to the purchase of the same, or as to the terms upon which the same may be used in the construction or operation of said roads, said corporation may acquire the right to use, or title to the same, in the manner and by the proceedings prescribed for acquiring the title to real estate for railroad purposes, in and by the general railroad law of this State, passed April two, eighteen hundred and fifty, and the acts amendatory thereof, all the provisions of which, relating to acquiring the title to real estate, are hereby extended so as apply to any property, rights, franchises or interests required in the construction of said railroads, except that in the petition to the Supreme Court, in said proceedings, it shall only be necessary to describe the real estate, property, rights, franchises or interests which said corporation seeks to acquire; to aver that the same are required for the construction or operation of the railroads authorized by this act, describing particularly the proposed route of said roads, and to allege that said corporation has not been able to acquire title to said property, rights, franchises or interests, and the reason of such inability. Such proceedings may be instituted by the said corporation before the Supreme Court of the first judicial district. It shall not be necessary that the petition to the court shall make any allegation of or reference to any corporations, capital stock, surveys, maps, or the filing of any certificate of location. Whenever it shall be necessary or convenient for the construction of said railways, turnouts, platforms, ap-

If unable to agree with owners, title how acquired.

Provisions of acts made applicable.

Proceedings before Supreme Court.

Petition, what to contain.

May take and use temporarily without

compensation.

Declared to be a public use.

Amount of compensation.

Liability for damage.

Intersection with horse railway tracks.

Carried over depressed or underground railway.

Not to interfere with street railways. Shall restore tracks at cost of corporation.

proaches, connections or stations, to temporarily take and use, during the construction of the same, the surface of any public grounds, parks or places on said route, no compensation shall be awarded or demanded for the same; but such use shall cease so soon as the construction of that portion of said railways is completed. In all cases the use of the streets, avenues, squares, grounds and public places, and the right of way under, through and above the same, for the purpose of railways, as herein authorized and provided, shall be considered and is hereby declared to be a public use, consistent with the uses for which the mayor, aldermen and commonalty of the said city hold said streets, avenues and public places, except that where the route or routes of the railroads herein authorized to be constructed and operated shall be along any street, avenue or public place, the said corporation shall compensate the corporation of the city of New York for such use or occupancy of said streets, avenues or public places; the amount of such compensation to be determined in the same manner as damages to private property.

§ 8. It is hereby provided that the said corporation shall be liable to the owner or lessee of any property along the route of said railways where said route passes through the blocks, for any damage which he or they shall sustain in the construction of such railways.

§ 9. Whenever the route or routes herein specified and contemplated for the construction and operations of said railways shall intersect with or cross or coincide with any horse railway tracks now occupying the surface of said streets and avenues, the said horse railway tracks shall be carried over said depressed or underground railways upon the temporary bridges or structures; and such temporary bridges and structures shall be constructed in such manner as not to interfere with the practical operation or working of such street railways; and upon the completion of said depressed or underground railway along such portions of the route thereof where such changes of the horse railway tracks may be made, the same shall be restored, as near as practicable, to the condition in which they were pre-



vious to the construction of said railway, and all such bridges and structures and restoration of tracks shall be made at the proper cost and charges of the corporation hereby created.

§ 10. It shall not be lawful for any person or persons to enter or pass on or through the same, or any portion thereof, on foot, or in any other way than in the proper cars of this corporation provided for that purpose, without the consent of said corporation, under penalty of fifty dollars for each offense, to be recovered by said corporation.

Entering  
or passing  
through.

Penalty.

§ 11. The said corporation shall be and is hereby authorized to collect and receive for the transportation of passengers the following fares, to wit: For one person any distance under three miles the sum of six cents, and for every mile or fraction thereof in addition two cents; provided, that said company shall not be required to accept a less rate of fare for any distance than six cents.

Fares.

§ 12. The said corporation shall have six months from the time on the first election of directors within which to commence the construction of the said railways, and one year thereafter within which to complete at least one of said railways to the Harlem river, and one branch road to the grand central depot, at Forty-second street and Fourth avenue; but the time during which delays may be caused by the pendency of legal proceedings for the condemnation of the right of way, or of legal proceedings instituted against said corporation, shall not be considered as forming any portion of the several periods limited by this section.

Time  
allowed  
before  
commencing  
construction.

Allow-  
ance for  
delays by  
legal pro-  
ceedings.

§ 13. It shall not be lawful for said corporation to receive or deliver freight or passengers within the lines of any of the public squares or parks of the city of New York.

Passen-  
gers or  
freight,  
where not  
to be de-  
livered.

§ 14. The corporation hereby created may issue mortgage bonds, the interest and principal of which shall be payable at such times and places as the board of directors shall determine, to an amount not exceeding the capital stock of the said corporation. Any railroad company, whose line of road terminates in the city of New York, or at the south line of the county of

May issue  
mortgage  
bonds.

Railroad  
companies  
may  
subscribe  
for stock.

To guar-  
antee pay-  
ment of  
bonds.

Westchester, is hereby authorized to subscribe and pay for such amount of the capital stock or bonds of the corporation hereby created, or may guarantee the payment of such amount of its bonds as may be mutually agreed upon by such company or companies and the said corporation.

§ 15. This act shall take effect immediately.

## Chap. 834.

AN ACT to incorporate the New York City Rapid Transit Company, and to authorize the said company to construct and operate an underground railway in the city of New York.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corpora-  
tors.

Corporate  
name.

Capital  
stock.

Directors.

Election  
of.

Notice to  
share-  
holders.

Term of  
office.

SECTION 1. Cornelius Vanderbilt and such other persons as he shall associate with himself are hereby created a body corporate and politic, by the name of the New York City Rapid Transit Company; the said corporation shall continue for one hundred years from the passage of this act, and shall be located in the city of New York; and the capital stock shall be twelve millions of dollars, divided into one hundred and twenty thousand shares of one hundred dollars each.

§ 2. The said corporators may organize the management of the business and offices of said corporation by a board of thirteen directors, who shall be stockholders, and shall be elected annually by the stockholders; the first election of said directors shall be held in the city of New York, on a day and at a place to be determined by the said corporators, and they shall give notice thereof to the shareholders in two newspapers published in the city of New York, daily for fifteen days preceeding the day of such election, and the said corporators or such of them as shall attend in person, shall appoint two tellers to conduct the election and declare the result; and the directors then chosen by the stockholders shall hold their office for

the term of one year and until others are chosen in their places; and until such election, the business of the said corporation shall be managed by the said corporators and their agents.

§ 3. The corporation hereby created shall possess all the powers and privileges and be subject to all the provisions of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof and additional thereto, except so far as the provisions of the said acts are modified by or are inconsistent with the provisions of this act; and the said corporation is hereby authorized and empowered to make, construct and maintain a tunnel, and to construct, operate and use therein a double track railway, and the necessary sidings, and to convey passengers freight and property in cars propelled by steam or other power for compensation under and through the soil beneath certain streets, avenues, squares and grounds in the city of New York, as hereinafter specified; but said corporation shall have no right to acquire the use or occupancy of any of the streets or public places in the city of New York under the provisions of the said acts, or by any agreement or grant of the city authorities, except such use or occupancy as is granted or provided for in this act, and except such temporary rights and privileges during the period of constructing said tunnel and railway authorized in this act as the proper authorities may grant to said company to facilitate such construction.

Powers and privileges.

May construct tunnel and use double track railway.

No right to acquire use of streets or public places.

§ 4. The tunnel and railway hereby authorized to be constructed and enjoyed by said corporation shall follow, as nearly as possible, the line of the streets, avenues, courses and places named as follows: Commencing at a point in the City Hall Park on the easterly side of Broadway, between the terminus of the New York City Central Underground Railway on the north and the land of the United States, upon which the new post-office is now being erected, and running from thence underground, curving across the City Hall Park to a point near the southeasterly corner of the Hall of

Route of tunnel and railway.

Records to Chatham or Centre street; thence northerly through Center street, curving easterly to Park street, formerly called Cross street; thence easterly through Park street, underground, or northerly or southerly of said Park street, through the blocks by an open cut to Mott street; thence underground across Mott street and curving northeasterly through the intervening blocks, and across the intervening streets to the Bowery, at or near its intersection with Bayard street; thence northerly, underground, through the Bowery, until it intersects the Third avenue; thence northerly through the public square between the Third and Fourth avenues, south of Seventh street, to the Fourth avenue; thence northerly, underground, through the easterly half of Fourth avenue to Fourteenth street; thence northerly, under the Fourth avenue, to a point between Fifty-ninth and Forty-eighth streets. The said corporation may make on the route aforesaid the necessary connections, turnouts, switches and other conveniences for the proper working and accommodation of said railway, and may make connection with the New York and Harlem Railroad between Forty-eighth and Fifty-ninth streets. The said company may also construct and use a branch from the said main line at or near the junction of the said tunnel with the New York and Harlem Railroad underground through one of the streets between Forty-eighth and Fifty-ninth streets to the track of the New York Central and Hudson River Railroad Company. The said branch shall be completed in seven years, and, in case it shall not be so completed, the failure shall not affect the other privileges, powers and rights hereby granted and conferred. The construction of the said tunnel or railway between the southerly end thereof in Broadway, and the connection thereof with the New York and Harlem Railroad shall be commenced within six months, and shall be continuously prosecuted to a completion without unnecessary delay within three years thereafter; any time during which the commencement or construction of the said tunnel or railway shall be enjoined or delayed by suits or actions in any court or courts shall be deducted from the said limitation. There shall be no open cut or cuts

May connect with N. Y. and H. R. R.

May construct a branch.

Route of

When to be completed.

To be commenced.

To be completed.

Time allowed for delays by suits, etc.

No open cuts in

in any street or avenue on the completion of said tunnel or railway. If the width of any street or avenue along the route of the said railway or tunnel shall be deemed by said company inadequate for the construction of a railway or tunnel sufficient to accommodate public travel, they are hereby authorized to acquire title to and hold such adjacent real estate as shall be necessary for that purpose in the manner provided in the next section. The said corporation hereby created are authorized, during the construction of their tunnel and railroad, to change temporarily the location of railroad tracks occupying the line of construction to be used by this company, to other convenient places through the same or adjoining streets, avenues or places, to be restored at the earliest practicable moment.

streets or  
avenues.

Change  
location of  
tracks.

§ 5. For the purpose of making, constructing and operating the said tunnel and railway, said corporation is hereby authorized and empowered to enter upon and and underneath the several streets, avenues, squares, public places and lands hereinbefore specified, and into and upon the soil of the same, to construct and maintain said tunnel and railway along the route and to the points herein specified and contemplated, such tunnel and railway to be constructed in the most thorough manner and upon the most approved plans for lighting, ventilating and draining, and of sufficient dimensions and number of tracks for the purposes of said railway, and for the convenience of the public travel, and at such depth below the surface, and in such manner as effectually to prevent any interference with the surface of said streets, avenues, squares or grounds, or the use of the same, with such exceptions as are provided for in this act; and except also, that during the progress of construction it shall be lawful to make such excavations and openings in said streets, avenues, squares and grounds under which said tunnel and railway shall be constructed, or over which said railway tracks shall be laid, as shall be necessary from time to time; and in all cases the surfaces and pavements of said streets, avenues, squares and grounds over said tunnel and railway shall be restored to the condition in which they were before such excavations were made, as near as possible. And it shall be

Author-  
ized to  
enter upon  
and under  
streets.

Manner of  
construction.

Surface of  
streets,  
etc., to be  
restored.

Openings  
for light  
and ven-  
tilation.

Liability  
for dam-  
age to  
property.

Passenger  
stations.

Right to  
acquire  
title.

How  
acquired.

If neces-  
sary to  
use public  
grounds,  
etc., no  
compen-  
sation  
to be  
awarded.

lawful for said corporation to construct and maintain openings along the route of said tunnel or railway, for light and ventilation, to be six feet in diameter, surmounted with a substantial iron railing four feet in height, set in a stone coping. Such openings to be placed at intervals of not less twenty feet, except that none shall be located at the intersection of streets or avenues, nor on any sidewalk. It is hereby provided, that the said corporation shall be liable to the owner or lessee of any building or property, for any direct injury thereto, caused by the construction of such railway and tunnel. Stations shall be erected for passengers between the city hall and Forty-second street, at distances from each other not to exceed one-half mile, and all way trains shall stop at such stations.

§ 6. The said corporation shall have the right to acquire the title to and hold such real estate, or interest therein, as may be necessary to enable it to construct and operate said tunnel and railways as herein provided, and to construct and maintain the proper platforms, stations and buildings of said corporation at such points along the route as may be most convenient and suitable for the ingress and egress of passengers and freight, and necessary for the operation of the railway, and for proper communication between said tunnel and platforms and said stations and buildings, and in case it cannot agree with the owner or owners of such real estate or interest, for the purchase or use thereof, it may acquire a title to the same in the manner specified in the acts hereinbefore referred to, except in any of the proceedings for any of the purposes authorized by this section, it shall not be necessary that the petition to the court shall make any allegation of or reference to any incorporations, capital stocks, surveys, maps, or the filing of any certificate of location; but whenever it shall be necessary for the said railway, turnouts, platforms or stations, to take and use for the purpose of operating the same, any public grounds, parks or places, no compensation shall be awarded or demanded for the same, but in all cases the use of the aforesaid streets, avenues, squares, grounds and public places, and the right of way under and through the same, for the purpose of a

tunnel and railway, as herein authorized and provided, shall be considered and is hereby declared to be a public use, consistent with the uses for which the mayor, aldermen and commonalty of the said city hold said streets, avenues and public places. But no opening in any public grounds, parks or places shall be more than one hundred and fifty feet in length nor more than fifty feet in width, which openings shall be covered by neat and ornamental buildings for passenger stations only, and their location, manner and style of construction shall be subject in all respects to the direction and control of the commissioners of public parks of the city of New York; and it shall not be lawful for said corporation to receive or deliver freight within the lines of the public squares or parks named in this act.

Declared  
a public  
use.

Size of  
openings.

Buildings  
to cover.

Freight,  
where not  
to be re-  
ceived or  
delivered.

§ 7. Whenever the route herein specified and contemplated for the construction of said tunnel and railway shall intersect with or cross or coincide with any horse railway tracks now occupying the surface of said streets and avenues, the said horse railway tracks shall, if practicable, be carried over said openings upon temporary bridges or structures, and such temporary bridges and structures shall be constructed in such manner as not to interfere with the practicable operation or working of such street railways; and upon the completion of said tunnel and such portions of the route thereof where such changes of the horse railway tracks may be made, the same shall be restored, as near as practicable, to the condition in which they were previous to the construction of said tunnel; and all such bridges and structures and restoration of tracks shall be made at the proper cost and charges of this corporation. But in restoring the tracks of any such horse railway, a space of twelve feet shall remain between the tracks at the center of the street or avenue, and the required change in the location of the tracks of any horse railway is hereby authorized and directed.

Carried  
over on  
temporary  
bridges  
when in-  
tersecting  
horse rail  
way  
tracks.

Shall re-  
store  
horse  
railway  
tracks at  
cost of  
corpo-  
ration.

Space to  
remain in  
restoring  
tracks.

§ 8. Said tunnel and railways shall be exclusively for the uses and purposes of said railway company, and it shall not be lawful for any person or persons other than a public officer in the execution of his duty as such, with

Unlawful  
to enter  
or pass  
through  
tunnel,  
without  
consent.

his agents and assistants, to enter or pass through the same or any portion thereof on foot, or in any other way than in the proper cars of this corporation, provided for that purpose, without the consent of said corporation, under penalty of fifty dollars for each offense, to be recovered by this corporation. And the mayor, aldermen and commonalty, and the officers of the corporation of the city of New York, are hereby prohibited from giving any permission to any other person, body or corporation to do any of the acts or things hereby authorized, or to hinder, delay or embarrass the construction or operation of said tunnel and railway and other things as herein authorized. But nothing herein contained shall prevent the corporation of the city of New York, or the officers of any department thereof, from entering the said tunnel for the purpose of repairing or constructing any sewer or water main, or other public work, or any gas company from laying or repairing its mains therein, not, however, interfering unnecessarily with the movement of trains or the business of said company.

**May lay temporary rail or tramway.**

Alteration  
of surface  
to be re-  
stored.

**Fares.**

**Way pass-  
enger  
trains.**

§ 9. It shall be lawful for the said company to lay a temporary rail or tramway, from the route of the said tunnel through Baxter street to and across Chatham street to Rosevelt street, and thence through Rosevelt street to the East river, to be operated by horse power; for the purpose of removing earth and transporting materials during the continuance and progress of the said work. Any alteration of the surface of the said street shall be restored by the company upon the completion of the work, or when the use of the said street for the purposes aforesaid shall be no longer required by the said company.

§ 10. The said corporation shall be and is hereby authorized to collect and receive for the transportation of passengers the following fares, to wit: for one person for any distance under four miles the sum of ten cents, and for every mile or fraction thereof in addition two cents. Trains for way passengers shall be run as often as may be necessary for the accommodation of the public.



§ 11. Said tunnel shall be constructed at such depth below the surface of the streets or avenues as will avoid any interference with or changes in the water mains of the Croton aqueduct board, except such changes as may be necessary for the proper construction of said railway and for public convenience, and such necessary changes in said mains, and all changes, additions and alterations which may be made necessary in the sewers by the construction of said tunnel and railway, shall be made under the direction and supervision of the chief engineer of the board of public works, but at the proper cost and charges of this corporation.

Depth of tunnel below surface.

§ 12. It shall be lawful for the said company to change or elevate the grade of any street or avenue through which said tunnel or railway shall pass at any point where the grade line of the said railway at the level of the rails shall not be at least four feet above tide water mark; and the said company hereby created shall be liable to the owners or lessees of adjacent property for injury caused by such changes or elevation of the grade.

May change grade of streets or avenues.

Liability of company.

§ 13. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 14. The Legislature may at any time amend, alter and repeal this act.

§ 15. This act shall take effect immediately.

## Chap. 835.

AN ACT relating to the New York Society for the relief of the ruptured and crippled.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of one hundred and fifty dollars shall be paid annually by the city of New York to the treasurer of the New York Society for the relief of the ruptured and crippled, for the support of every crippled child received and retained in their hospital, for one year, and a proportionate sum for a shorter period.

Sum to be paid annually for each child retained in hospital.

Super-  
visors to  
levy and  
collect by  
tax.

§ 2. To provide for the raising of the money for said purposes as stated, and the amount to be raised, the number of patients, and the time they remain in the hospital under surgical treatment, and the number of out patients that have received surgical bandages, shall be reported, annually, and certified to by the affirmation or affidavit of the treasurer and surgeon in charge of the hospital of the New York Society for the relief of the ruptured and crippled, when, in each and every year thereafter, the board of supervisors of the city and county of New York shall levy and collect by tax the amount of money as above determined, and pay the same over to said treasurer of the New York Society for the relief of the ruptured and crippled, for the support of their hospital.

Shall par-  
ticipate in  
distribu-  
tion of  
school  
fund.

§ 3. The school established and maintained by the above named society, for the education of crippled children, shall participate in the distribution of the common school fund, in the same manner and degree as the common schools of the city and county of New York.

§ 4. This act shall take effect immediately.

## Chap. 836.

AN ACT to regulate places of public amusement in the city of New York.

Passed May 22, 1872; three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Public  
exhibi-  
tions pro-  
hibited  
unless  
licensed.

SECTION 1. It shall not be lawful to exhibit to the public in any building, garden or grounds, concert room or other place or room within the city of New York, any interlude, tragedy, comedy, opera, ballet, play, farce, minstrelsy, or dancing, or any other entertainment of the stage, or any part or parts therein, or any equestrian, circus or dramatic performance, or any performance of jugglers or rope dancing, acrobats, until a license for the place of such exhibition for such purpose shall have been first had and obtained, as herein-after provided.

§ 2. The mayor of the city of New York is hereby authorized and empowered to grant such license, to continue in force until the first day of May next ensuing the grant thereof, on receiving for each license so granted, and before the issuing thereof, the sum of five hundred dollars; and every manager or proprietor of any such exhibition or performance, who shall neglect to take out such license, or consent or cause or allow any such exhibition or performance, or any single one of them without such license, and every person aiding in such exhibition, and every owner or lessee of any building, part of a building, garden, grounds, concert room, or other room or place, who shall lease or let the same for the purpose of any such exhibition or performance, or assent that the same be used for any such purpose, except as permitted by such license, and without such license having been previously obtained and then in force, if the same shall be used for such purpose, shall be subjected to a penalty of one hundred dollars for every such exhibition or performance, which penalty the society for the reformation of juvenile delinquents in said city is hereby authorized to prosecute, sue for and recover for the use of the said society in the name of the people of the State of New York.

Mayor to grant licenses.

License fees.

Penalty for exhibiting without license.

Penalty, how recovered and disposed of.

§ 3. The said mayor is hereby authorized to grant licenses for said exhibitions or performances for any term less than one year, and in any case where such license is for a term of three months or less, the said mayor is hereby authorized to commute for a sum less than said five hundred dollars, but in no case less than two hundred and fifty dollars for a theatre, or one hundred and fifty dollars for a circus, concert room, or other building or place whatsoever.

Licenses for three months or less.

Fees for.

§ 4. Upon granting every such license authorized by this act, the said mayor shall receive from the person to whom the same shall be granted the amount payable for said license, as above provided, which amounts as respectively received by him shall be paid over to the treasurer of the society for the reformation of juvenile delinquents in the city of New York, for the use of said society.

Disposition of fees.

License,  
how re-  
voked.

Manner  
of pro-  
ceeding.

Effect of  
revoca-  
tion.

Violating  
provisions  
of this act,  
how pun-  
ishable.

Duty of  
police.

In case of  
violation,  
who may  
proceed  
by injunc-  
tion.

§ 5. Any license provided for by this act may be revoked and annulled by any judge or justice of any court of record in said city, upon proof of a violation of any of the provisions of this act; such proof shall be taken before such judge or justice upon notice of not less than two days, to show cause why such license should not be revoked; said judge or justice shall hear the proofs and allegations in the case, and determine the same summarily; and no appeal shall be taken from such determination. And any person whose license shall have been revoked or annulled shall not thereafter be entitled to a license under the provisions of this act; on any examination before an officer pursuant to a notice to show cause as aforesaid, the accused party may be a witness in his own behalf.

§ 6. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the penitentiary for a term not less than three months nor more than one year, or by a fine not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

§ 7. It shall be the duty of every chief of police, sheriff, deputy sheriff, constable, captain of police, policeman, and every other police officer, to enter, at any time, said places of amusement and to arrest and convey any person or persons violating any provisions of this act forthwith, before any police justice, or recorder, or magistrate, having jurisdiction in said city, there to be dealt with according to law.

§ 8. In case any person shall open, or advertise to open, any theatre, circus or building, garden or grounds, concert room or other place for any such exhibition or performance in said city, without first having obtained license therefor as provided for by this act, it shall and may be lawful for the said society for the reformation of juvenile delinquents in the said city, to apply to the Supreme Court, or any justice thereof, for an injunction to restrain the opening thereof, until he shall have complied with the requisitions of this act in obtaining such license, and also with such order as to costs as such court or justice may deem just and proper to make; which

injunction may be allowed, upon a complaint to be in the name of said society, in the same manner as injunctions are now usually allowed by the practice of said court.

§ 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 10. This act shall take effect immediately.

## Chap. 837.

AN ACT to incorporate the Hunter's Point and Flushing Railroad Company.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Robert Willets, Benjamin W. Downing, John M. Clark, John H. Sutphin, Egbert Hedge, Edward A. Lawrence, John C. Jackson, Jonathan R. Cady and Edwin Beers, and their associates and assigns shall be and are hereby constituted a body politic and corporate by the name of the Hunter's Point and Flushing Railroad Company, with full powers and authority to lay, construct, operate and use a railroad with a single or double track, and necessary switches and turnouts, to be operated by horse-power, and to carry passengers thereon for compensation through and upon the following streets and avenues in Long Island City and the towns of Newtown and Flushing, Queens county: Commencing at Thirty-fourth street ferry in said city; thence upon Ferry street, Jackson avenue (so called), being the road late of the Hunter's Point, Newtown and Flushing Turnpike Company, the road and bridge late of the Flushing and Newtown Road and Bridge Company, Bridge street and Broadway in the village of Flushing, and the roads late of the Flushing and Bay Side Plank-road Company.

Corporators.

Corporate name and powers.

Route.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and books of subscription to said capital stock or such portion thereof as

Capital stock.

from time to time may, by the directors for the time being, be deemed proper and necessary, shall be opened under the direction of the directors, subject to such rules, limitations and conditions as by them shall be prescribed.

**Increase of.**      § 3. The said company shall have power to increase the capital stock to two hundred and fifty thousand dollars, as the objects of said company may demand and the stockholders of said company may desire.

**By-laws, etc.**      § 4. The said company shall have power to make all needful rules, regulations and by-laws for the government of said corporation, and to alter and amend the same, as they may deem expedient, provided said rules, regulations and by-laws shall not be repugnant to the Constitution or laws of the United States or of the State of New York.

**Board of directors.**      § 5. The government of such corporation and the management of its affairs and property shall be vested in a board of directors, to consist of nine stockholders of said corporation, who shall hold their office for one year, and shall be elected at such times and places and in such manner as by the by-laws of said corporation shall be appointed and provided.

**First directors.**      § 6. The persons named in the first section of this act shall be the first directors of said company, and shall hold their office until the expiration of one year after the said company shall be organized and in practical operation. They shall choose their president, vice-president and treasurer out of their number, and appoint a secretary and all other officers and employees at such time and place and in such manner as a majority of them shall authorize or direct. All vacancies in said board of directors shall be filled by the remaining directors until the next regular election of directors of said corporation.

**Officers.**

**Vacancies.**

**May hold necessary real estate.**      § 7. The said board of directors of said corporation shall have power to purchase and hold real estate, and erect and maintain all necessary and suitable buildings, fixtures, appliances and equipments for the aforesaid purpose or incident or necessary thereto.

**Rails, etc.**      § 8. The track of said road shall be laid of rails of the most approved pattern, of the weight of not less

than thirty pounds to the lineal yard, and such as shall least obstruct the free passage of vehicles and carriages over the same, and the same shall be laid flush with the surface of the streets, avenues and highways through which the same may pass, and shall conform to the grade as it now is, or as it shall be, from time to time, established. The gauge of such track shall be such as to conform with the gauge of the farm and market wagons ordinarily used in said Queens county; and said corporation shall keep the surface of the street inside of the rails, and for one foot outside thereof, in good and proper repair and order.

Gauge,  
etc.

§ 9. Said railroad shall be commenced within one year, and finished within three years, after the passage of this act.

When to  
be built.

§ 10. This act shall take effect immediately.

## Chap. 838.

AN ACT to amend "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," passed April thirteenth, eighteen hundred and sixty.

Passed May 22, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of "An act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," passed April thirteen, eighteen hundred and sixty, is hereby amended so as to read as follows:

§ 4. After the lapse of one year from the date of such assignment, the county judge of the county where such inventory is filed, shall have power to issue a citation or summons compelling such assignee or assignees to appear before him, and show cause why an account of the trust funds arising under any such assignment should not be made, and in case the said county judge deem the cause, if any shown, not sufficient, he shall have

When  
county  
judge to  
have  
power to  
issue  
citation.

When to  
take ac-  
counting.]

On whose application citation to issue.

How served, etc.

Laws applicable.

May examine witnesses, etc.

Orders or decrees, effect of.

When proceedings to be transferred to county judge of an adjoining county.

power to proceed and take such accounting, and to decree the payment to any petitioning creditor or creditors their just proportionate share of such fund, or to take a final accounting thereof, and distribute and divide said fund between the claimants and persons entitled thereto. Such citation or summons may be issued, and such accounting had, on the application of the said assignee, his surety or sureties, or any person interested in said trust estate, which application shall be by petition, duly verified, stating the facts on which it is founded, and showing the relation the petitioners bear to or the interest they have in said trust estate, and stating, as far as the petitioners can, all other persons interested in said trust fund. Such citation must be served and such accounting shall be had and conducted just as citations are served, and as accountings for the estates of deceased persons are had and conducted by surrogates. All laws governing surrogates on such accountings are made applicable as far as may be to proceedings under this act, and the county judge before whom any proceeding is pending shall have all powers granted surrogates therein. He may also examine the parties and all other persons as witnesses in relation to such assignment and accounting and all other matters connected therewith, and shall have the power of the county court in like cases to compel their attendance before himself or any referee whom he may, and is hereby authorized, to appoint, to take and report to him such evidence. All orders or decrees in these proceedings shall have the same force and effect and may be entered, docketed, enforced and appealed from the same as like orders or decrees of the county court in an original action brought therein. In case the county judge of the county where such inventory is filed on presentation of the petition is, or he or his successor in office at any time during the pendency of any proceeding shall become for any reason incapacitated to take or continue such accounting, such county judge or his successor shall, by order, transfer such accounting to the county judge of some adjoining county, and thereupon such proceedings shall be transferred to said county judge as in said order stated, and he shall have all the powers and proceed in like manner



as the county judge with whom the petition was filed would have done had he not been incapacitated and no order been entered transferring the same; and all subsequent proceedings, orders or decrees made by said county judge to whom such proceeding has been thus transferred shall have the same force and effect as in proceedings where the petition is originally filed with him. In case any assignee has died during any proceeding now pending or undetermined under the act hereby amended, or shall hereafter die during the pendency of any proceeding under this act, his personal representatives or successor in office or both may be brought in and substituted in said proceeding, on such notice of not less than eight days as the county judge before whom said proceeding is pending may order, in all cases and with like force and effect as if said accounting had been an action in any court having jurisdiction thereof, and any decree afterward made in said proceeding shall bind the said parties thus substituted, and the property of the deceased assignee as in such action.

Proceedings in case of death of assignee.

§ 2. This act shall take effect immediately.

## Chap. 839.

### AN ACT to incorporate the Queens Railway Company.

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Armsted C. Henry, Charles A. Sammis, S. Fisk Worthington, Solomon B. Noble, Jonathan R. Cady, Charles McNeil, Edwin Henry, Thomas Rafter, Henry Cook, James Bradley, John O'Donnel, jr., Henry M. Onderdonk, Alexander Parks, William E. Pierce and James Robinson, and their associates and assigns, shall be and are hereby created, constituted and declared to be a body politic and corporate by the name of the Queens Railway Company, with full power and authority to lay, construct, operate and use, a railroad with a double or single track, and necessary switches

Corporators.

Corporate name and powers.

Route.

and turnouts, and be operated by horse-power, and to carry passengers thereon for compensation, through and upon the following avenues and streets, or any portion thereof in Long Island City, Newtown and Jamaica, in Queens county, to wit: Commencing at the ferry leading to Thirty-fourth street and James slip in said Long Island City, thence through Ferry street, Jackson avenue, Thompson avenue (so-called, being the highway described in chapter three hundred and thirty-seven of the Laws of eighteen hundred and sixty-nine), the main street of Newtown village, the Hoffman boulevard (so-called, being the highway described in chapter nine hundred and five of the Laws of eighteen hundred and sixty-nine), Fulton street in the village of Jamaica, and its continuations, to the village of Queens.

Capital stock.

§ 2. The capital stock of said company shall be one hundred and fifty thousand dollars, and shall be divided into fifteen hundred shares of one hundred dollars each, and books of subscription to such capital stock or such portion thereof as from time to time may, by its directors for the time being, be deemed proper and necessary, shall be opened by its appointment or under the direction of the directors hereinafter named, subject to such rules, limitations and conditions as by them shall be prescribed.

Increase of.

§ 3. The said company shall have power to increase the capital stock to three hundred thousand dollars, as the objects of said company may demand, and stockholders of said company may desire.

By-laws, etc.

§ 4. The said company shall have power and authority to make all needful rules and regulations and by-laws for the government of said corporation, and to alter and amend the same as they may deem expedient, provided the said rules, regulations and by-laws shall not be repugnant to the Constitution or laws of the United States, or of the State of New York.

Board of directors.

§ 5. The government of such corporation and the management of its affairs and property, shall be vested in a board of directors, to consist of eleven bona fide stockholders of said corporation, who shall hold their office for one year, and shall be elected at such times

and places and in such manner as by the by-laws of said corporation shall be appointed and provided.

§ 6. The persons named in the first section of this act shall be the first directors of said company, and shall hold their office until the expiration of one year after the said company shall be organized and in practicable operation. They shall choose their president, vice-president and treasurer out of their number, and appoint a secretary and all other officers and employees at such time and place and in such manner as a majority of them shall authorize or direct.

First directors.

Officers.

§ 7. The said board of directors of said corporation shall have power to purchase and hold real estate and erect and maintain all necessary and suitable buildings, fixtures, appliances and equipments for the aforesaid purpose, as incident or necessary thereto.

May hold necessary real estate.

§ 8. The track of said road shall be laid of rails of the most approved pattern, of the weight of not less than thirty pounds to the lineal yard, and such as shall least obstruct the free passage of vehicles over the same, and the same shall be laid flush with the surface of the streets through which the same may pass, and shall conform to the grade as it now is, or as it shall be from time to time established, and said corporation shall keep the surface of the street inside of the rails and for one foot outside thereof in said streets in good and proper repair and order.

Rails, etc.

§ 9. This act shall take effect immediately.

## Chap. 840.

AN ACT to confirm the acts of Hezekiah W. Whitney, administrator, with the will annexed, of the estate of Melvin S. Whitney, deceased.

Passed May 23, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The acts of Hezekiah W. Whitney, administrator, with the will annexed, in making transfers and conveyances of real property, under the direction

Acts of administrator legalized.

Convey-  
ances con-  
firmed.

and in accordance with the will of Melvin S. Whitney, deceased, whose will was probated at the office of the surrogate of the city and county of New York, August third, eighteen hundred and sixty-five, are hereby ratified, confirmed and legalized, and such transfers and conveyances made by the said Hezekiah W. Whitney, as administrator, shall have the same effect and force as though the said Hezekiah W. Whitney had been named in said will of Melvin S. Whitney as sole executor, and had duly qualified as such. And all such conveyances and transfers shall have the legal effect to convey the estates hereby intended to be conveyed, as though the said administrator had full authority in law and in fact to make such conveyances.

§ 2. This act shall take effect immediately.

## Chap. 841.

AN ACT to enable the supervisors of the city and county of New York to raise money, by tax, to pay money appropriated by George H. E. Lynch, late clerk of the superior court of the city of New York.

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Author-  
ized to  
levy and  
collect  
tax.  
Amount.

Appropri-  
ated by  
late clerk  
of super-  
ior court.

Comp-  
troller to  
draw war-  
rant for  
same in  
favor of

SECTION 1. The board of supervisors of the city and county of New York is hereby authorized and directed to levy and collect a tax upon the taxable property of the county of New York for the sum of two thousand one hundred and ninety dollars and eighty-nine cents, being the amount with interest appropriated by George H. E. Lynch, late clerk of the superior court of the city of New York, to his own use, in disregard of an order of the superior court requiring him to deposit said sum in the New York Life Insurance and Trust Company.

§ 2. The comptroller of the city of New York is hereby authorized and directed to draw his warrant upon the chamberlain of said city for said sum of two thousand one hundred and ninety dollars and eighty-

nine cents, in favor of Elbridge Van Syckel, his heirs or assigns.

Elbridge  
Van  
Syckel.

§ 3. This act shall take effect immediately.

## Chap. 842.

AN ACT in relation to the improvement of streets in the city of New York between Sixth and Seventh avenues, and north of the southerly line of One Hundred and Tenth street.

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The regulating, grading and otherwise improving the streets in the city of New York north of the southerly line of One Hundred and Tenth street, and between the Sixth and Seventh avenues, shall be vested in the department of public works, which shall have the same care and control over them for public purposes which it has over the other streets in the said city under its charge.

Regu-  
lating and  
grading  
certain  
streets  
vested in  
depart-  
ment of  
public  
works.

§ 2. All acts and parts of acts which are inconsistent with this act are repealed.

§ 3. This act shall take effect immediately.

## Chap. 843.

AN ACT to amend an act entitled "An act supplementary to the act entitled an 'Act to authorize the formation of railroad corporations, and to regulate the same,' passed April second, eighteen hundred and fifty."

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of chapter six hundred and ninety-seven of the Laws of eighteen hundred and sixty-six is hereby amended to read as follows:

B. R. corporations, how continued beyond time fixed in articles of association.

Certificate to be filed and re-recorded.

Where portion of lines of two roads embrace same location, companies may provide by agreement for construction of line by one company.

In such case town bonds to be exchanged for stock of company building road.

R. R. commissioners not to be compelled to surrender

“ § 5. Any railroad corporation now existing or hereafter to be formed under the laws of this State may extend the time for the continuance of such corporation, beyond the time named for that purpose in the original act of incorporation or articles of association of such corporation, by the consent of the holders of two-thirds in amount of the stock of such corporation, in a certificate to be signed and proved, or acknowledged by the stockholders signing the same, so as to entitle it to be recorded, in the office of the Secretary of State, in the book kept in said office for the record of articles of association of railroad companies; and thereupon the time of the existence of such corporation shall be extended for the period designated in such certificate, and such corporation shall, from time to time during its existence so extended, possess all the rights, privileges and franchises at that time enjoyed or exercised by such corporation,”

§ 2. Whenever two railroad companies for a portion of their respective lines embrace the same location of line, or whenever their lines connect or are tributary to each other, such companies may by agreement provide for the construction by one of said companies of so much of said line as is common to both or connects with its own line, and for the manner and terms upon which the business thereon shall be performed; and the company so constructing the common and connecting and tributary portion of road shall, if the terms of such agreement so provide, be entitled to have and receive all the town bonds which have been or may be authorized to be issued to either company in aid of the construction thereof, and the towns authorized to issue such bonds are hereby authorized and required to exchange the same for the stock or bonds of the railroad company that shall, under such agreement, construct a railroad upon the line designated therein, to an amount specified in the petition of the tax payers, or remaining unpaid on their subscription to the stock of either of said railroad companies. Nothing in this act contained shall be construed so as to compel the commissioners of any town that has assented to bond for railroad purposes for any specified line of railroad to surrender the

bonds of any such town to any other railroad organization, until the assent of a majority of the tax payers, owning a majority of the property appearing upon the assessment roll of such town, has been first obtained.

bonds  
until con-  
sent of tax  
payers is  
obtained.

§ 3. This act shall take effect immediately.

## Chap. 844.

AN ACT to compensate William S. Copland for services rendered in examining and making copies of certain accounts of the county of New York.

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The comptroller of the city of New York is hereby directed to pay to William S. Copland, of the city of New York, out of the appropriations for county contingencies of the county of New York, the sum of five thousand dollars for services rendered by said Copland in examining and copying accounts against the county of New York, in the years eighteen hundred and sixty-nine and eighteen hundred and seventy, provided said comptroller shall find the work was necessary to be done, and the charges for the same are fair and reasonable.

Comp-  
troller  
directed  
to pay  
William S.  
Copland.

Provide.

§ 2. This act shall take effect immediately.

## Chap. 845.

AN ACT concerning certain female habitual drunkards, vagrants and prostitutes, in the city of Brooklyn and county of Kings.

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Whenever any female between the ages of fourteen and thirty years shall be arrested and

Certain  
females to  
be com-

mitted to  
the  
"House of  
the Good  
Shep-  
herd," of  
the city of  
Brooklyn.

brought by the police, or who shall voluntarily appear before the county judge of Kings county, or the police justice of the city of Brooklyn, or any of the justices of the peace in the county of Kings, charged with being an habitual drunkard, vagrant or prostitute, and proved to be such, or admitting herself to be such habitual drunkard, vagrant or prostitute, and professing a desire to reform, such county judge, magistrate, justice of the peace or police justice, may, in their discretion, make an order committing such female to the care, custody and instruction of the managers of "The House of the Good Shepherd" of the city of Brooklyn, now situated at numbers three hundred and twenty-seven and three hundred and twenty-nine Henry street, in the said city of Brooklyn, to be detained by said managers not to exceed the term now prescribed by existing statutes in like cases made and provided; but no female shall be committed to the said "The House of the Good Shepherd" under or in pursuance of the provisions of this act who is a protestant or a member of the protestant faith.

Term to  
be de-  
tained.

When to  
be dis-  
missed  
and taken  
before  
magis-  
trate.

§ 2. If any female, so committed as aforesaid, shall become turbulent, ill conducted, disobedient or ungovernable, the said managers are hereby authorized and empowered to eject and dismiss said female from said "House of the Good Shepherd," and may call in the aid of the members of the police force of the city of Brooklyn for that purpose, and bring the said female before the magistrate who committed her, who shall thereupon proceed to dispose of said female as directed by existing statutes.

Amount to  
be paid by  
county  
treasurer  
to man-  
agers for  
support of  
such  
persons.

§ 3. The treasurer of the county of Kings shall pay to the managers of the "House of the Good Shepherd" the yearly sum of one hundred and ten dollars, or pro rata for the time such female remain in said institution under such commitment, for and toward the support and maintenance of each and every such female as may be committed to the care and custody of said managers as aforesaid, provided that the charge for support and maintenance shall have been first passed upon by the board of supervisors of said county in the same manner as now provided by law for payment of county accounts.

§ 4. This act shall take effect immediately.



## Chap. 846.

AN ACT to establish a rapid transit steam ferry between Westchester county and New York city.

Passed May 23, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for Edward B. Wesley, Edward Schell, George W. McLean, Edward DeWitt, John H. Hand, Robert H. Pruyn, William R. Travers, John Flannagan, William R. Dyer, William H. Florence and Charles W. Bowen and their successors and assigns, by the corporate name of the Rapid Transit Ferry Company, to establish and maintain a steam ferry from a point on the east side of the railroad bridge at or near Mott Haven, in Westchester county, to or near Wall street in the city of New York, and such other streets, avenues and places in said city as the public convenience may require.

Corporators.

Corporate name.

To establish steam ferry.

§ 2. The corporators named in the first section, their successors and assigns, shall place upon said route within six months from the passage of this act, and at all times thereafter, keep and maintain one or more good and substantial steam ferry boats for the safe conveyance of passengers and their baggage, horses, carriages, cattle and freight between the places aforesaid, with safe and skillful persons to take charge of the same, and they shall not make less than three trips each way daily.

To keep one good ferry boat upon route and make three daily trips each way.

§ 3. The corporators named in this act and their successors and assigns shall have power to purchase, lease, hire and hold real estate and ferry privileges sufficient for the successful working and use of said ferry.

May take and hold necessary real estate.

§ 4. The corporation hereby created shall have a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same to one million of dollars, and shall not commence operating its ferry until twenty per cent. of its capital stock as determined by its by-laws shall be actually paid in; and said corporation shall have

Capital stock.

When to commence business.

power to make all proper by-laws for the conduct and management of its affairs.

Rates of ferriage.

§ 5. The rates of ferriage between the places aforesaid shall not exceed ten cents for each and every passenger, and the rates for the transportation of freight shall not exceed the rates charged by the Harlem Steam Navigation Company.

Not to use piers, etc., without consent of owners.

§ 6. Nothing in this act shall be construed as giving any right to use any slip, pier, bulkhead or dock, without the consent of the owner or lessee thereof.

§ 7. The Legislature may at any time alter, amend or repeal this act.

§ 8. This act shall take effect immediately.

## Chap. 847.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April fifteenth, eighteen hundred and thirty seven, and the several acts amendatory thereof, passed March twenty, eighteen hundred and fifty-seven,' passed May third, eighteen hundred and sixty-nine," passed May seventh, eighteen hundred and seventy.

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of an act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Flushing, passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twenty, eighteen hundred and fifty-seven,' passed May third, eighteen hundred and sixty-nine," passed May seventh, eighteen hundred and seventy, is hereby amended so as to read as follows:

When board of trustees

§ 5. Whenever the board of trustees shall find that the public interests so require, they may order the flag-

ging or the curbing and guttering of any block upon any street or avenue of the village, and they shall notify the owners of the property lying in such block that said owners shall lay down such flagging or curbing and guttering on the sidewalks in front of their property as the trustees shall direct, giving to them a term of not less than one month in which to make such improvements. If at the expiration of that time such improvements shall not have been made, then the board of trustees shall proceed to make them, and they shall, in either case, assess two-thirds of the expenses of making said improvement upon the lots on the side of said street or avenue in front of which such improvements shall be made in proportion to their frontage thereon, and the remaining one-third of such expense shall be borne by the village, and shall be in addition to and be collected with the amount annually raised by general taxation.

may order flagging, etc.

Owners to be notified.

When trustees may do the work.

Expenses, how assessed.

The trustees of said village shall take no steps to carry out the provisions of this section, and it shall not be lawful for them to do so, until the same shall be approved by a majority of the voters of said village, voting by ballot at a regular annual election for the election of trustees of said village, or at a special election to be called and held by said trustees, within two years after the first day of May, eighteen hundred and seventy-two, by giving at least eight days' notice before such election, by posting such notice in at least six public and conspicuous places in said village, and by publication in all the newspapers of said village once a week for two weeks. The polls at said election shall be open during the same hours, and such election be in all things conducted as are the annual elections for trustees in said village. The ballot received at said election shall be indorsed "charter amendment," and in order to be canvassed shall contain the words "in favor of charter amendment" or the words "opposed to charter amendment." If a majority of the ballots so canvassed shall contain the words "in favor of charter amendment," then the approval above mentioned shall be considered as being obtained. A certificate of the result of said election shall be filed by the canvassers

Trustees not to act until approval of majority of legal voters at an annual or special election.

Polls.

Form of ballots.

Certificate of result to be filed.

Subse-  
quent  
elections.

thereof in the office of the county clerk of Queens county, within five days after said election. In case at the election so held the approval aforesaid shall not be obtained, it shall be lawful for said trustees to call and hold subsequent elections, in all respects to be called and conducted as prescribed for said first election, but no such succeeding election shall be held within six months of the time of holding a preceding election under this act.

§ 2. This act shall take effect immediately.

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## Chap. 848.

AN ACT to appoint commissioners of parks for the State of New York.

Passed May 23, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sion of  
parks.  
Duty of  
commis-  
sioners.

SECTION 1. A commission of State parks for the State of New York is hereby established.

§ 2. It shall be the duty of the commissioners to inquire into the expediency of providing for vesting in the State the title to the timbered regions lying within the counties of Lewis, Essex, Clinton, Franklin, St. Lawrence, Herkimer and Hamilton, and converting the same into a public park; such commissioners to report the result of their labors, together with such suggestions as they may have to present, to the Legislature at its next session.

Names of  
commis-  
sioners.

§ 3. Horatio Seymour, Patrick H. Agan, William B. Taylor, George H. Raynor, William A. Wheeler, Verplanck Colvin and Franklin B. Hough, are hereby appointed commissioners under this act, to hold office for two years, to act without compensation.

§ 4. This act shall take effect immediately.

## Chap. 849.

## AN ACT to incorporate "The Buffalo Catholic Institute."

Passed May 23, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Charles V. Fornes, Joseph Krumholz, Peter Paul, J. Louis Jacobs, Jr., Jacob A. Gittere, Joseph A. Dingens, Ferdinand J. Riester, Frank Weppner, Matthew Byrne, Christian Kraus, William H. Bork, Jacob Korzelius, John Devlin, Nicholas Scherer and Peter Young, and all persons who are now or who shall hereafter become associated with them, shall be and continue a body corporate, by the name of "The Buffalo Catholic Institute," and they or their successors, by the same name, are authorized to purchase, receive by gift, grant, devise, or otherwise hold and convey any real or personal property, for the use of the said corporation, not exceeding in value the sum of two hundred and fifty thousand dollars.

Corporators.

Corporate name and powers.

§ 2. There shall be a board of managers, who shall have the management and control of the affairs and property of the said corporation; and the first managers shall be Charles V. Fornes, Joseph Krumholz, Peter Paul, J. Louis Jacobs, Jr., Jacob A. Gittere, Joseph A. Dingens, Frank Weppner, Ferdinand J. Riester, Matthew Byrne, Christian Kraus, William H. Bork, Jacob Korzelius, John Devlin, Nicholas Scherer and Peter Young, of whom the following shall be the first officers, viz.: Charles V. Fornes, president; Joseph Krumholz, vice-president; Peter Paul, financial secretary; J. Louis Jacobs, Jr., recording secretary; Jacob A. Gittere, treasurer, who shall hold their respective offices until others shall be chosen in their stead.

Board of managers.  
First managers.

§ 3. The annual election for officers and managers of said corporation shall be held on the second Wednesday of February in each year, or on such other day as the said corporation in and by its by-laws may appoint.

Annual election.

By-laws,  
etc.

§ 4. The said corporation shall have power to make such by-laws, rules and regulations, from time to time, as they may deem proper.

Location  
and  
objects.

§ 5. This corporation shall be located in the city of Buffalo, county of Erie, and the objects thereof shall be the establishment and maintenance of a library, reading room, literary and scientific lectures, and other means for promoting moral and intellectual improvement.

General  
powers.

§ 6. The corporation hereby created shall possess the general powers and be subject to the restriction and liabilities provided by the Constitution and laws of the State of New York.

§ 7. This act shall take effect immediately.

## Chap. 850.

AN ACT to authorize a tax of seven-tenths of a mill per dollar of valuation of the year eighteen hundred and seventy-two, for the construction of new work upon and extraordinary repairs of the canals of this State.

Passed May 23, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Seven-tenths mill  
tax for  
new work  
and extra-  
ordinary  
repairs.

SECTION 1. There shall be imposed for the fiscal year beginning on the first day of October, eighteen hundred and seventy-two, a State tax of seven-tenths of a mill on each dollar of the real and personal property in this State, subject to taxation, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of the State, to be held by the Treasurer for application to the following purposes, to wit:

### EASTERN DIVISION—ERIE CANAL.

Rebuild-  
ing lock at  
junction  
of Erie  
and Cham-  
plain  
canals.

For rebuilding combined wooden locks (of stone) at the junction of the Erie and Chaplain canals, the sum of sixty thousand dollars, or so much thereof as may be necessary, and if any excess of this amount is needed,

it shall be paid out of any moneys appropriated for ordinary repairs of the eastern division of the canals, the whole cost thereof not to exceed eighty thousand dollars.

For construction of an iron bridge over Erie canal at West Troy, in pursuance of an act passed in eighteen hundred and seventy-two, the sum of forty-five hundred dollars, or so much as may be necessary, and any excess of this amount shall be paid out of any moneys appropriated for ordinary repairs of the eastern division of the canals.

Iron  
bridge at  
West  
Troy.

For construction of a new State shop at Cohoes, Albany county, the sum of five thousand dollars, or so much thereof as may be necessary.

State shop  
at Cohoes.

For construction of a new State shop at Fultonville, Montgomery county, the sum of three thousand dollars, or so much thereof as may be necessary.

State shop  
at Fulton-  
ville.

For enlarging a culvert in the village of Mohawk, west of lock number forty-two, the sum of four thousand dollars, or so much thereof as may be necessary.

Culvert in  
Mohawk.

For constructing culvert under Erie canal at Ilion, Herkimer county, and digging ditches to drain water through said culvert, the sum of five thousand dollars, or so much thereof as may be necessary.

Culvert at  
Ilion.

For raising approaches to White street bridge, in the city of Cohoes, the sum of two hundred and ten dollars, or so much thereof as may be necessary.

Bridge in  
Cohoes.

For removing embankment and constructing approaches to Schuyler street bridge, in the city of Utica, the sum of three thousand two hundred dollars, or so much thereof as may be necessary.

Schuyler  
street  
bridge,  
Utica.

For raising and improving approaches to the west bridge, in the village of Port Jackson, Montgomery county, the sum of seventeen hundred dollars, or so much thereof as may be necessary.

Bridge, in  
Port  
Jackson.

For the payment of Edwin H. French the amount as adjusted by the Canal Board, for work on section five of Erie canal, greater than his contract price, the sum of fifteen thousand dollars.

To pay  
E. H.  
French.

For building stone abutments for canal bridge, at Hulser's farm, West Frankfort, authorized by an act passed in eighteen hundred and sixty-six, the sum of

Bridge at  
Hulser's  
farm.

two thousand five hundred dollars, or so much thereof as may be necessary.

Fishway  
in the  
Mohawk  
river.

The sum of one thousand dollars appropriated by chapter seven hundred and eighty-one, of the Laws of eighteen hundred and seventy-one, for construction of a fishway in the Mohawk river at the upper aqueduct near the city of Schenectady, is re-appropriated to the same purpose, and to be repaid out of moneys appropriated for extraordinary repairs of the eastern division of the canals.

Side-cut  
locks in  
West  
Troy.

The sum of one hundred thousand dollars, which was appropriated by chapter five hundred and seventy-nine of the Laws of eighteen hundred and sixty-seven, to build two stone side-cut locks in the village of West Troy as authorized by chapter three hundred and fifty-four of the Laws of eighteen hundred and sixty-four, and re-appropriated to the same purpose by chapter eight hundred and seventy-seven of the Laws of eighteen hundred and sixty-nine, is again hereby re-appropriated to the same purpose.

Bridge at  
Rome.

For the construction of a canal bridge over the Erie canal at Madison street, in the city of Rome, the sum of five thousand dollars, or so much thereof as may be necessary.

For im-  
proving  
road at  
head of  
Otisco  
lake.

For raising the road bed and improving the road at the head of Otisco lake in Onondaga county if, in the opinion of the Canal Board, the State is legally or equitably liable for this work and that the same is now necessary, the sum of five thousand dollars, or so much thereof as may be necessary.

Bridge at  
German  
Flats, and  
culvert at  
East  
Frankfort.

For changing location of canal bridge at the west line of the town of German Flats, raising and widening road-bed, and extending culvert at East Frankfort, the sum of six thousand dollars, or so much thereof as may be necessary.

Raising  
road from  
Syracuse  
to Geddes.

For completing the raising of the road from the first ward in Syracuse to the village of Geddes, pursuant to chapter one hundred and forty-two of the Laws of eighteen hundred and seventy, the sum of nine thousand seven hundred and fifty dollars, or so much thereof as may be necessary.



For completion of removal of wall benches and substituting therefor slope and vertical walls under contract between Port Schuyler and the lower Mohawk aqueduct on the Erie canal, the sum of fifty thousand dollars, or so much thereof as may be necessary.

Wall benches, etc., between Port Schuyler and lower Mohawk aqueduct.

CHAMPLAIN CANAL.

For raising the road-bed in the town of Kingsbury, Washington county, the sum of one thousand dollars, or so much thereof as may be necessary.

Raising road in Kingsbury.

For constructing an iron bridge over Champlain canal at Comstock's landing, Washington county, as authorized by an act passed in eighteen hundred and seventy-two, the sum of five thousand dollars, or so much thereof as may be necessary.

Bridge at Comstock's landing.

For constructing a wooden bridge and abutments on the farm of Hiram Cramer, in the town of Saratoga, county of Saratoga, over the Champlain canal, as authorized by an act passed in eighteen hundred and seventy-two, the sum of two thousand dollars, or so much thereof as may be necessary.

Bridge on Cramer's farm.

For rebuilding guard-lock in Wood creek, on Champlain canal, the sum of fifteen thousand dollars, or so much thereof as may be necessary, and any excess of above sum for this work shall be paid out of any moneys appropriated for ordinary repairs of the canals on the eastern division, the whole cost thereof not to exceed twenty thousand dollars.

Guard-lock in Wood creek.

For building new State shop at Fort Edward, Washington county, the sum of three thousand dollars, or so much thereof as may be necessary.

State shop at Fort Edward.

For construction of a basin on the five mile level, south of the village of Whitehall, and improving and deepening the Champlain canal from said basin to Whitehall locks, including cutting down breast-wall of said locks to conform to said deepening, and to be done upon a plan adopted by the Commissioner and engineer in charge, and approved by the Canal Board, the sum of twenty thousand dollars, or so much thereof as may be necessary.

Basin, etc., south of Whitehall.

For constructing a wooden road bridge across Glens Falls feeder, in the village of Glens Falls, as authorized

Bridge at Glens Falls.

by an act passed in eighteen hundred and seventy-two, the sum of two thousand dollars, or so much thereof as may be necessary.

Raising  
road-bed  
in Fort  
Ann.

For raising road-bed in the town of Fort Ann, Washington county, pursuant to chapter five hundred and forty-four of the Laws of eighteen hundred and seventy, the sum of two thousand dollars, or so much thereof as may be necessary, which work may be done by the Canal Commissioner in charge through his superintendent or by contract in his discretion.

State dam  
at Fort  
Miller  
bridge.

For rebuilding of stone, the State dam now in progress across the Hudson river, near Fort Miller bridge, the sum of sixty thousand dollars; the remainder of the cost shall be charged to any money appropriated for ordinary repairs on eastern division of the canals; the entire cost thereof not to exceed eighty thousand dollars.

Dredging  
Whitehall  
basin.

For dredging Whitehall basin, under existing contract, and paying retained percentage under said contract as provided by act chapter nine hundred and thirty, Laws of eighteen hundred and seventy-one, fifteen thousand dollars, or so much thereof as may be necessary.

#### BLACK RIVER.

Parker's  
Landing  
bridge.

For completion of Parker's Landing bridge over a portion of Black river used as a canal, the sum of nine thousand dollars, or so much thereof as may be necessary.

Dam  
across  
Moose  
river.

For construction of a dam across Moose river at the old Brown's tract forge at foot of Fulton chain of lakes, to raise the water in lakes to supply deficiency on Black river improvement, pursuant to chapter one hundred and eighty-one, Laws of eighteen hundred and fifty-one, in dry season, the sum of eighteen thousand dollars, if, in the opinion of the Canal Board, the State is under equitable obligations to construct such dam, and if, in the opinion of said board, it is, under all the circumstances, expedient to do said work, provided the owners of said lakes and lands adjoining release to the State all damages for use of said lakes and damages to land to be flowed in consequence of the construction of said dam.

Proviso.

Lock No.  
2, Erie  
canal.

For completing lock number two on the Erie canal, and building vertical wall connected therewith, the sum

of seven thousand five hundred dollars, or so much thereof as may be necessary.

For completion of Jason street bridge, in the city of Utica, the sum of two thousand dollars, or so much thereof as may be necessary.

Jason  
street  
bridge,  
Utica.

For enlarging approach ways and widening abutment to canal bridge on the street leading to the cemetery in the village of Frankfort, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Bridge in  
Frankfort.

For the payment of Samuel N. Payne, for furnishing piling machine, payment of transportation and other expenses incurred in constructing aqueduct in place of culvert on Champlain canal carried out by break on the thirteenth day of September, eighteen hundred and sixty-eight, the sum of one hundred and seven dollars and ninety-seven cents.

To pay  
S. N.  
Payne.

For the payment of certificates of the Canal Commissioners to George Hendricks, Thomas Abele and Edward Husson for damages awarded them for personal injuries occasioned by the fall of a canal bridge in the city of Syracuse in April, eighteen hundred and sixty-nine, the sum of seven thousand eight hundred and nineteen dollars and eight cents.

To pay  
G. Hendricks,  
T. Abele  
and E.  
Husson.

#### MISCELLANEOUS.

For construction of iron bridge superstructures, made necessary in consequence of change of plan, the sum of forty thousand dollars, or so much thereof as may be necessary.

Iron  
bridges.

For removing bench wall and constructing slope and vertical walls, including completion of removal of wall benches, and construction of vertical wall from starch factory bridge to completed wall near old lime-kiln, in the city of Utica; completion of vertical wall on Glens Falls feeder at Sandy Hill, pursuant to chapter nine hundred and thirty of the Laws of eighteen hundred and seventy-one; removing bench wall between locks number forty-two and forty-six on Erie canal; to pay the expenses of constructing a vertical wall along the berme bank of the Erie canal in the village of Canajoharie, commencing three hundred feet east of the aqueduct, thence westwardly through the village of Canajoharie,

Bench  
walls, ver-  
tical  
walls, etc.

terminating fifty feet west of the dwelling-house of Samuel Beekman, and elsewhere on said division as may be directed by the Canal Board, the sum of one hundred and seventeen thousand dollars, or so much thereof as may be necessary.

State  
engineer  
to make  
estimates.

No part or portion of this appropriation shall be expended, nor shall any contract be made involving such expenditure, until the State Engineer shall make, or cause to be made, an estimate of the cost of completing and paying for all work now under contract for removing wall benches and substituting slope or vertical wall on said division, and the amount so ascertained to be necessary shall be set apart for and applied to that purpose.

Fishways  
at Troy  
and Fort  
Miller.

For construction of fishways in the State dam across the Hudson river at Troy and Fort Miller, pursuant to chapter five hundred and fifty-five, Laws of eighteen hundred and seventy, the sum of two thousand dollars, or so much thereof as may be necessary.

Lock and  
side-cut at  
Wilber's  
basin.

For construction of a lock and side-cut at Wilber's basin, on the Champlain canal, the sum of ten thousand dollars, or so much thereof as may be necessary, in addition to the amount heretofore appropriated by chapter seven hundred and sixty-seven of the Laws of eighteen hundred and seventy, for constructing an aqueduct at the same place, which appropriation is hereby re-appropriated and applied to the construction of this lock, provided the State Engineer is satisfied that the cost of the work, when finished, will not exceed forty thousand dollars.

#### MIDDLE DIVISION—ERIE CANAL.

Miscella-  
neous.

To pay miscellaneous expenses and certain damages which owners of farms and lots have suffered in consequence of leakage in the bottom of the Erie canal recently deepened east of Lodi locks; to construct ditches outside of the blue line by bargain with land owners and to pay for such ditches as have already been constructed, where necessary to do work to protect the canal and to avert claims against the State, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, the said sum being under the control of

the Canal Board, to be appropriated for such purposes, from time to time, as said board shall be satisfied the public interest may require.

For the construction of an iron bridge over the Erie canal at Catharine street, in the city of Syracuse, eight thousand dollars, or so much thereof as may be necessary.

Bridge in  
Syracuse.

For amount of final estimate due to Clark Snook for brush and stone used in the vicinity of Pool's brook, the sum of twenty-four hundred and nineteen dollars and seventy cents.

To pay  
C. Snook.

For the improvement of the channel of Cowasol creek in the town of Lenox, county of Madison, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Cowasol  
creek.

The sum of five thousand dollars appropriated by chapter nine hundred and thirty of the Laws of eighteen hundred and seventy-one, for excavation and vertical wall of wood and stone on the berme bank of the Erie canal at Weedsport, is hereby re-appropriated to the same object, and may be paid, or any part thereof, by the Commissioners in charge to the Southern Central Railroad Company, on satisfactory evidence that the said work has been done as well and as cheaply for the State as if the same had been advertised and let to the lowest bidder.

Repairs at  
Weeds-  
port.

#### MIDDLE DIVISION—CHENANGO CANAL.

For amount due and to become due for the partial reconstruction of locks numbers seven and nine on Chenango canal, near Utica, the sum of fifteen thousand dollars, or so much thereof as may be necessary.

Locks No.  
7 and 9.

#### ONEIDA LAKE CANAL.

The sum of fifty thousand dollars is hereby appropriated to complete the Oneida Lake canal; but no portion of this sum shall be expended unless the Canal Commissioner can make a contract within such sum on public notice of letting to the lowest bidder for all the work necessary to make the said canal, and its works and structures safe, and secure good navigation, the modified plan of the work to be determined by the Canal Commissioner and the State Engineer.

Comple-  
tion of  
Oneida  
Lake  
canal.

## OSWEGO CANAL.

Amending  
chapter  
930, Laws  
of 1871.

The provision for the payment of the heirs of George A. Humphrey, in chapter nine hundred and thirty of the Laws of eighteen hundred and seventy-one, is amended as follows: For the payment of George W. Humphrey, for work done on the enlargement of the Oswego canal, the sum of fifteen hundred and thirty-three dollars and ninety-six cents, in full of the claim of said Humphrey.

High dam.

For completing the high dam on the Oswego canal, the sum of eighty-eight thousand dollars, or so much thereof as may be necessary.

Oswego  
falls dam.

For the purpose of extending the east wing of Oswego falls dam at Fulton, on a plan similar to the east wing of Minetto dam, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, and if said sum is insufficient, the balance to be paid out of money appropriated to ordinary repairs of the middle division, not exceeding twenty-five hundred dollars.

## CHEMUNG CANAL.

Repairs in  
harbor at  
Watkins.

For lengthening the pier and necessary dredging in the harbor at Watkins, the sum of fifteen thousand dollars, or so much thereof as may be necessary under existing contracts for doing the same.

Bridge at  
Watkins.

For construction of an iron bridge over Chemung canal at Watkins the sum of forty-five hundred dollars (as authorized by an act passed in eighteen hundred and seventy-two), or so much thereof as may be necessary.

## MISCELLANEOUS.

Changing  
plan of  
bridges.

For changing the plan of bridges on middle division the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

Horse  
dredge on  
Owasco  
outlet.

For pay of construction of a horse dredge on the Owasco outlet the sum of six hundred dollars, or so much thereof as may be necessary.

Miscel-  
laneous  
repairs.

For removing bench walls and constructing slope pavement and vertical wall, and paying any arrearages due for said work, including the construction of three hundred feet of vertical wall in front of the brewery of Lewis Gross and company at Weedsport; also one hundred and fifty feet of vertical wall on the tow-path side

of Erie canal, adjacent to the factory and lumber yard of Laraway, Butterfield and Peck, in village of Port Byron, also six hundred feet of vertical wall on the landing of the Midland Railroad Company at village of Durhamville, and elsewhere on said division as may be directed by the Canal Board, the sum of eighty thousand dollars, or so much thereof as may be necessary.

For amount due to John Ostrander, for work done on the berme protection on Seneca lake, near Geneva, over and above the amount paid to him under his contract, the sum of six hundred dollars, or so much thereof as may be necessary.

To pay J. Ostrander.

For removing the obstruction from the outlet of Cayuga lake and the channel of Seneca river the sum of twenty thousand dollars, or so much thereof as may be necessary, and the sum of thirty thousand dollars appropriated by chapter three hundred and four, Laws of eighteen hundred and sixty-eight, is hereby re-appropriated for the same purpose.

For removing obstructions from Cayuga lake outlet.

#### WESTERN DIVISION—ERIE CANAL.

For repairing the north bank of Erie canal along Tonawanda creek in the town of Pendleton, and protection of highway along said canal from injury by being washed by the waters thereof, the sum of two thousand dollars, or so much thereof as may be necessary.

Repairing bank along Tonawanda creek.

For dredging out Black Rock harbor, the sum of ten thousand dollars, under the present contract for doing the same.

Dredging Black Rock harbor.

For cribs and vertical walls, in place of pile docking, in Erie canal between military road and State ditch culvert, in the village of Tonawanda, the sum of eighty thousand dollars, or so much thereof as may be necessary.

Cribs, etc., in Tonawanda.

For completing the doubling the locks on the western division of Erie canal, the sum of one hundred and twenty-six thousand dollars, or so much thereof as may be necessary.

Double locks.

For continuing and completing the deepening of the Erie canal, from first lock east of Rochester to Lyell

Deepening Erie canal.

street, the sum of twenty thousand dollars, or so much thereof as may be necessary.

Bridge at  
Lockville.

For setting back berme abutment of, and constructing an iron in place of a wooden bridge at, Lockville, the sum of five thousand dollars, or so much thereof as may be necessary.

Waste-  
weir at  
Lock  
Berlin.

For reconstructing waste-weir at Lock Berlin, at a new location, the sum of thirty-five hundred dollars, or so much thereof as may be necessary.

Culvert in  
Brighton.

For reconstructing culvert on three mile level in Brighton, on change of plan from wood to iron pipe, the sum of eight thousand dollars, or so much thereof as may be necessary.

Protection  
railing in  
Rochester.

For reconstructing protection railing of iron on berme protection wall along South St. Paul street, in the city of Rochester, the sum of one thousand dollars, or so much thereof as may be necessary.

Changing  
line at  
High Clay  
bluff.

For payment of work done, and to be done, to complete the changing line of Erie canal, and protecting the same High Clay bluff, west of Rochester, the sum of one thousand dollars.

Channel  
discharge  
at Rochester.

For improving the channel discharge from Rochester weigh-lock, the sum of three thousand dollars, or so much thereof as may be necessary.

Vertical  
wall in  
Middle-  
port.

For constructing three hundred and sixty feet of vertical wall on berme side of Erie canal, in village of Middleport, along the premises of H. A. Robertson, the sum of eighteen hundred dollars, or so much thereof as may be necessary.

Vertical  
wall in  
Brock-  
port.

For constructing four hundred feet of dry vertical wall on berme side of Erie canal, in front of the premises of Underhill, Branan and Company of Brockport, extending easterly from berme abutment of Smith street bridge, in said village, the sum of two thousand dollars, or so much thereof as may be necessary.

Vertical  
wall in  
Gasport.

For constructing two hundred feet of vertical wall on the berme bank of Erie canal, along the premises of Absalom Mesler, in Gasport, Niagara county, the sum of one thousand dollars, or so much thereof as may be necessary.

Vertical  
wall in  
Hulberton.

For constructing three hundred feet of vertical wall, commencing one thousand three hundred and fifty-three



feet east of abutment of bridge, and fronting the stone yard of Squire and Phillips on tow-path side of canal, in village of Hulberton, Orleans county, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

For constructing two hundred feet of vertical wall on the berme bank of Erie canal, opposite the quarry of Eugene Sullivan, in Albion, Orleans county, the sum of one thousand dollars, or so much thereof as may be necessary.

Vertical  
wall in  
Albion.

To pay Thomas Hodge for constructing vertical wall on the berme bank of Erie canal, opposite his stone quarry, near Albion, Orleans county, done under the supervision of Canal Commissioner and resident engineer, the sum of fifteen hundred dollars, which sum, if accepted, shall be in full payment of said work.

For constructing vertical wall on both sides of Erie canal, at Lockville, in the short reaches between the locks, the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

Vertical  
wall in  
Lockville.

For constructing two hundred feet of vertical wall, under the existing contract, in village of Fairport, the sum of one thousand dollars, or so much thereof as may be necessary.

Vertical  
wall in  
Fairport.

For constructing two hundred feet of vertical wall, under the existing contract, at village of Cartersville, the sum of one thousand dollars, or so much thereof as may be necessary.

Vertical  
wall at  
Carters-  
ville.

For rebuilding Hamilton street bridge of iron, in the city of Buffalo, the sum of thirty-five hundred dollars, or so much thereof as may be necessary, may be paid by the Canal Commissioner in charge to the repair contractor for the said iron bridge complete, after deducting the amount said contractor should pay for constructing said bridge.

Hamilton  
street  
bridge,  
Buffalo.

For continuing the work of constructing division bank and widening, deepening and otherwise improving the narrow canal in Black Rock harbor, under existing contract, so far as the prices therein contained are applicable to said work, and \*the engineers' estimate prices, for the balance thereof, if, in the opinion of the

Division  
banks,  
etc., in  
Black  
Rock  
harbor  
canal.

\* So in the original.

Canal Board, it is for the best interest of the State so to do, said engincers' estimated prices being the same as presented in their estimate to the Canal Board, September fifth, eighteen hundred and seventy-one, when said board adopted the plan of constructing said division bank and widening the canal through the entire length of the harbor so as to make the canal independent thereof, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary.

Bridge  
over Tona-  
wanda  
creek.

For constructing a road bridge over Tonawanda creek, at or near Bush's place, connecting with Sawyer's creek road at Martinsville, the sum of sixteen thousand dollars, or so much thereof as may be necessary.

Erie  
basin,  
Buffalo.

For dredging Erie Basin in the city of Buffalo, the sum of ten thousand dollars, or so much thereof as may be necessary; of the above amount the Canal Commissioner in charge may give his draft upon the Auditor for the sum of twenty-three hundred and twenty dollars, for dredging done in said basin, during the year eighteen hundred and seventy-one; but before the payment of such draft the said Commissioner shall certify to the Auditor that the work was properly done, and the prices for the same were fair and reasonable.

Repairs in  
Buffalo.

For constructing a retaining wall, and piling and sheet piling a dock one hundred and seventy-five feet of dock in front of the premises of Taylor and Crate, on the south side of Ohio basin slip, between Elk street and the Ohio basin, in the city of Buffalo, the sum of two thousand dollars, or so much thereof as may be necessary.

Culvert  
under  
Genesee  
Valley  
canal, in  
Roches-  
ter.

For constructing a culvert under the Genesee Valley canal, in the city of Rochester, the sum of fifteen hundred dollars, or so much thereof as may be necessary; provided that said culvert shall be built under the supervision of the Canal Commissioner in charge, and that the cost thereof shall not exceed the sum appropriated.

Same at  
Cuyler-  
ville.

For constructing a culvert under the Genesee Valley canal at Cuylerville, Livingston county, and cleaning out the State ditch, the sum of twenty-five hundred dollars, or so much thereof as may be necessary.

## GENESEE VALLEY CANAL.

The sum of six hundred dollars is hereby appropriated to be paid by the Commissioner in charge of the western division of canals to the commissioners of highways of the town of West Sparta, Livingston county, toward building a bridge over the Genessee Valley canal, at a point where the road laid out by the commissioners of highways of said town intersects said canal. Such sum to be paid after said bridge has been erected and finished to the satisfaction of said Canal Commissioner.

Bridge.

For conveying the water from Loon lake by discharging the same through Mill creek into the canal at Dansville for the purpose of supplying water to that branch of the Genessee Valley canal, and as a feeder to the Erie canal at Rochester, ten thousand dollars, or so much thereof as may be necessary.

Convey-  
ing water  
from Loon  
lake.

For the payment of Lewis Selye, assignee of Valentine F. Whitman, repair contractor of section number eleven, Erie canal, the amount paid by him to the military and sheriff and his deputies of the county of Monroe, in suppressing a riot and guarding the works and men during the time of repairing the break at Oxbow embankment in the spring of eighteen hundred and seventy-one, as evidenced by the returns of the same in the Canal Department, the sum of three thousand three hundred and nine dollars and thirteen cents, or so much thereof as may be justly due him, provided that before the payment of the same such accounts shall be examined and passed by the Auditor of the Canal Department.

To pay.  
Lewis  
Selye.

For the payment to the order of John C. Bishop, Joel A. Putnam, and B. P. Van Mastar, commissioners of drainage of the town of Lyons, Wayne county, for constructing a drain and tiling the same, one-hundred and seventy-five rods in length, in rear of the tow-path of the Erie canal in the village of Lyons, to carry off the leakage water of the canal, and to preserve the health of that locality, one hundred and seventy-five dollars, or so much thereof as may be necessary.

To pay  
drainage  
commis-  
sioners of  
Lyons.

To complete enlargement maps.

For completion of enlargement maps on the western division of the Erie canal, the sum of twenty-five hundred dollars, or so much thereof as may be necessary.

To pay award to R. L. Howard.

For the payment of award by the Canal Board to Rufus L. Howard, November twenty-first, eighteen hundred and seventy-one, under chapter five hundred and eighty-six of the Laws of eighteen hundred and seventy-one, the sum of six thousand one hundred dollars, or so much thereof as may be necessary.

#### MISCELLANEOUS.

Changing plan of bridges.

For changing plans of bridges on the western division of the canals, the sum of thirty-five thousand dollars, or so much thereof as may be necessary; this appropriation to be used only on the Erie canal.

Waste-weir at Rochester.

For constructing a waste-weir through the north wall of the new canal aqueduct over the Genesee river at Rochester, and a rubble wall in cement across the old canal at the east end of said aqueduct, as authorized by resolution of the Canal Board, November seventeenth, eighteen hundred and seventy-one, the sum of forty-seven hundred dollars, or so much thereof as may be necessary.

Bridge in Lockport.

For completing Transit street bridge over the Erie canal, in the city of Lockport, the sum of two thousand dollars, or so much thereof as may be necessary.

State ditch in Tonawanda.

For docking and clearing out State ditch immediately north of Tonawanda creek, in the village of Tonawanda, twenty-five hundred dollars, or so much thereof as may be necessary.

Improvements between Lyons and Lockville.

For completing the removal of bench walls and constructing slope walls and pavement between Lyons and Lockville, the sum of ten thousand dollars, or so much thereof as may be necessary.

Miscellaneous expenses.

For paying miscellaneous expenditures incident to the western division of canals, the sum of ten thousand dollars, this money to be paid only upon the order of the Canal Board and upon vouchers, with the items for such expenditures.

Construction of powers of commissioners.

In order to remove all doubts in respect to the authority of the Canal Commissioners to commence the new works for which appropriations are herein made, and no legis-

lative direction is otherwise given by special laws, it is hereby declared that the said Canal Commissioners are hereby authorized to construct, or cause to be constructed, all such new works for which appropriations are herein made, subject, however, to all restrictions, provisions and conditions contained in this act. No part or portion of the moneys herein appropriated for new work shall be expended or paid, nor shall any contract involving such expenditure and payment be made on behalf of this State until the maps, plans and estimates for such new work shall have been submitted to and approved by the Canal Board. All contracts for work or material on any canal (other than ordinary repairs) which shall be directed by the Canal Board to be advertised and let, shall be made with the person who shall offer to do or provide the same at the lowest price, with adequate security for their performance, which letting shall be under regulations to be made by the Board of Canal Commissioners as to the form, regularity and validity of all bids, securities and contracts. And the Canal Commissioners may require the deposit by the proposer for said work or materials of such a sum in United States bonds or stocks of the State of New York, or money, not exceeding twenty nor less than eight per cent. of the aggregate estimate of the work to be let, as they may deem necessary to secure the entering into said contract. And in case the proposer, to whom such work shall be awarded, shall neglect or refuse to enter into such contract, the sum so deposited shall be forfeited to the State, and the Commissioners shall pay the same into the State treasury, and it shall become a part of the canal fund. And upon the entering into said contract, the bonds or stocks or money required by the Commissioners as security for the entering into said contract, together with such other additional securities as they may require, may be held as security for the completion of the work, and shall be deposited with the Treasurer as a special trust, to be returned by him to the contractor with such further sum as he may have realized for the use thereof, when the Commissioner in charge and the State Engineer shall certify that the contractor has fully completed his contract, and

Moneys,  
when to  
be paid,  
and con-  
tracts  
when to  
be let.

Contracts  
to be let to  
lowest  
bidder.

Commis-  
sioners  
may re-  
quire  
deposits.

Securities  
may be  
held for  
comple-  
tion of the  
work.

When deposit to be forfeited.

Canal board may prescribe time to advertise. No more money to be expended.

Commissioners or Comptroller may invest in said tax.

Crossings between Binghamton and Owego.

that the State has no further claim upon such funds. But in case he shall enter into said contract and fail in the performance thereof, the same shall be declared abandoned by said Commissioners, pursuant to the terms of the contract, then the bonds or stocks or money so deposited shall be forfeited to the State, and paid into the treasury and become a part of the canal fund. The Canal Board may, in the resolution authorizing any work to be let, prescribe the length of time of advertising not less than ten days. No more money shall be expended on the works hereinbefore enumerated than is above appropriated; and it shall not be lawful for the officers having in charge the execution of the said works to make any contracts whereby any expenditure in excess of the appropriation will be incurred, or any further appropriation for the same rendered necessary. To meet the appropriations made in this act of the moneys to be collected by and upon the said tax with as little delay as practicable, the Commissioners of the Canal Fund or Comptroller may, from time to time, invest in the said tax any surplus moneys of the principal of the sinking fund under article seven of the Constitution, a sum or sums not exceeding in all the amount to be realized from said tax hereby authorized; and the moneys so invested shall be applied to pay the appropriation under this act; and so much of the moneys arising from the said tax as may be necessary, when paid into the treasury, is hereby pledged, and shall be applied in the first instance to reimburse the said sinking fund for the amount invested in said tax, and for the interest on the same at a rate not exceeding six per cent. per annum, from the time of investment to the day of payment. The final account for any new work authorized by the provisions of this act or any previous acts, or for which money has been or is hereby appropriated, may be subject to revision by the Canal Board.

For constructing farm and other bridges and crossings over the Chenango canal extension, between Binghamton and Owego, the sum of fifteen thousand dollars, or so much thereof as may be required to construct bridges over roads and lanes, and make other necessary crossings and connections between parts of farms now

divided by said Chenango canal extension, unfinished. The above specified amount to be expended under the supervision and direction of the Canal Commissioners, but only for the purposes above specified. The Canal Commissioner in charge is hereby authorized to sell at auction any perishable property being on or connected with said Chenango canal extension, and belonging to the State of New York. For the purpose of paying the counsel and agents employed by the Canal Commissioners or either of them, and the Canal Appraisers, for their expenses, disbursements and services incurred, or which may be incurred, in the defense of claims against the State connected with the canals, ten thousand dollars, or so much thereof as shall be necessary; provided, however, that all bills or accounts for such expenses, disbursements or services shall, before payment, be presented to and audited by the Canal Board; and upon the certificate of said Board (or of said officers) the Auditor is directed, out of said funds, to pay said bills and accounts.

Sum, how  
expended.

Canal  
commis-  
sioner to  
sell per-  
sonal  
property.

To pay  
counsel  
and  
agents.

Proviso.

§ 2. This act shall take effect immediately.

## Chap. 851.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Tontine Mutual Savings Bank of the city of New York, passed May eleventh, eighteen hundred and sixty-nine,'" passed May tenth, eighteen hundred and seventy-one.

Passed May 23, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of chapter nine hundred and ten of the Laws of eighteen hundred and seventy-one, being an act to amend an act entitled "An act to incorporate the Tontine Mutual Savings Bank of the City of New York," passed May eleventh, eighteen hundred and sixty-nine, passed May tenth, eighteen hundred and seventy-one, is hereby amended so as to read as

Time in  
which  
corpo-  
ration  
may  
organize  
extended.

follows: The time for the said corporation to organize and commence the transaction of its business is hereby extended to the first day of September, eighteen hundred and seventy two, with like force and effect in every particular as if said date of limitation had been originally named in said act.

§ 2. This act shall take effect immediately.

## Chap. 852.

### AN ACT to alter the map or plan of the city of New York.

Passed May 24, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Portion of  
road or  
public  
drive  
abandon-  
ed.

SECTION 1. All that portion of the road or public drive in the city of New York laid out by the commissioners of the Central park, under and by virtue of chapter five hundred and sixty-five of the Laws of eighteen hundred and sixty-five, and which was also retained by them under and by virtue of chapter six hundred and ninety-seven of the Laws of eighteen hundred and sixty-seven, which lies between the easterly side or line of the Tenth avenue, the northerly line of Seventy-third street and the easterly line of said road or public drive, as the same was opened by proceedings confirmed by the Supreme Court, is hereby abandoned, and shall, from and after the passage of this act, cease to be a portion of said road or public drive, and Seventy-third street shall be, and hereby is, extended from the Tenth avenue to said road or public drive as the same was opened as aforesaid, and Tenth avenue shall be, and hereby is, extended from Seventy-third street to said road or public drive, as the same was opened as aforesaid, by and in accordance with the lines by which such portions of Seventy-third street and Tenth avenue were laid out, under and by virtue of an act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third,

Seventy-  
third  
street and  
Tenth  
avenue  
extended.



eighteen hundred and seven, and the said portions of Seventy-third Street and Tenth avenue shall become and be a public street and avenue in said city of New York, with the same intent and effect as if the same had been laid out and established by the commissioners appointed in and by the aforesaid act passed April third, eighteen hundred and seven.

§ 2. So much of the act entitled "An act to alter the map or plan of the city of New York, and for the laying out and improvement of the same," passed April twenty-fourth, one thousand eight hundred and sixty-seven, as would apply to the gore of land bounded on the west by Broadway (boulevard), on the east by Tenth avenue, on the north by Seventy-third street, and on the south by Seventy-second street, owned or claimed to be owned by Rudolph Augustus Witthaus, is hereby repealed; and nothing contained in said act or any other act of the Legislature heretofore passed shall authorize the said gore of land to be taken for a public place or square or other public purpose, or to prevent the owner of said gore from building upon or improving the same, and receiving compensation for such improvement in case of said gore being taken for public purposes under some future act of the Legislature.

Portion of  
act re-  
pealed.

§ 3. This act shall take effect immediately.

## Chap. 853.

AN ACT to incorporate the Mosholu Division number two hundred and eight, Sons of Temperance.

Passed May 24, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. George R. Tremper, Henry B. E. Wood and Charles Wighton, together with such other persons as are now or hereafter shall become members of the Mosholu Division number two hundred and eight, Sons of Temperance, are hereby constituted a body corporate under the name and style of the "Mosholu Division number two hundred and eight, Sons of Temperance."

Corpo-  
rators.

Corporate  
name.

- Object.**      § 2. The object of this society shall be to promote temperance and sobriety.
- Rules.**        § 3. The said corporation shall have power to prescribe rules and orders for the general government thereof, for the admission and expulsion of its members, and for the election, time of service and duties of its officers.
- May hold real estate.**    § 4. The said corporation may purchase, take, hold and convey real and personal estate for its use and benefit, the annual income of which shall not at any time exceed five thousand dollars.
- General powers.**    § 5. The said corporation shall possess the general powers, and be subject to the provisions contained in the third title of chapter eighteen of the first part of the Revised Statutes.
- § 6. This act shall take effect immediately.
- 

## Chap. 854.

AN ACT to authorize the city of Brooklyn to borrow money, and levy and collect a tax for the repayment of the same, to cover expenditures made by the authorities of said city during the year eighteen hundred and seventy-one, and to provide for certain extraordinary expenses in said city.

Passed May 24, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**Temporary loan to pay certain obligations.**

SECTION 1. It shall be lawful for the city of Brooklyn, under the authority of the common council, to borrow a temporary loan by certificate of indebtedness, to be signed by the mayor, comptroller and city clerk, a sum of money not exceeding three hundred and forty-four thousand and eight hundred and seventy-three dollars and twenty-seven cents bearing interest at a rate not exceeding seven per cent. per annum, and to apply the proceeds to the payment of the obligations of said city, incurred by the authorities thereof during the year eighteen hundred and seventy-one, and to the payment

of the accounts and purposes, as hereinafter provided, as follows: To pay for lighting streets, and gas for public buildings, eighty-four thousand. For deficiencies in the salary account of eighteen hundred and seventy-one and eighteen hundred and seventy-two, forty thousand dollars. For lighting and putting out the street lamps, from January first; eighteen hundred and seventy-two, to April fifteenth, eighteen hundred and seventy-two, twelve thousand six hundred and fifty-three dollars and fifty-five cents. For repairs of streets for the year eighteen hundred and seventy-two, twenty-five thousand dollars. The Truant Home account, five thousand dollars. For repairs to the city hall, fifteen thousand dollars. For ambulances, five thousand dollars. For the payment of bill of Felt & German for coal, eight hundred and thirty-two dollars and forty-four cents. For the payment of claims against the city of Brooklyn, as audited by the president of the board of aldermen, chairman of the health committee and health officer, pursuant to chapter nine hundred and thirty-three of the Laws of eighteen hundred and seventy-one, the sum of ten thousand and eighty-seven dollars and twenty-eight cents. For the payment of the sum of one hundred and forty-seven thousand three hundred dollars to the city treasury, being the amount of the excise fund, deposited to the credit of the sinking fund of the city of Brooklyn, pursuant to law, which was erroneously deducted from the tax levy of eighteen hundred and seventy-one.

For lights.  
Deficiency  
in salary  
account.

Lighting  
and putting  
out  
street  
lamps.

Repairs of  
streets.

Truant  
Home.  
City hall.

Ambu-  
lances.  
Coal.

Health  
accounts.

Errors in  
tax levy of  
1871.

§ 2. No bill or account shall be paid under the provisions of section one of this act until such payment shall have been ordered by the common council, and such bill or account shall have been approved, certified and audited as required by law. The amount borrowed in pursuance of this act, together with the interest which may accrue thereon, shall be levied and collected in the annual taxes, to be raised for purposes of said city, as follows: One hundred thousand dollars, together with interest on the whole amount borrowed under this act, in the year eighteen hundred and seventy-two; one hundred thousand dollars, together with the interest on the certificates of indebtedness then outstanding in the year

When  
accounts  
to be  
paid.

Amount  
borrowed,  
when to  
be levied  
and col-  
lected.

eighteen hundred and seventy-three, and the balance of the amount borrowed under this act with interest which may accrue thereon, in the year eighteen hundred and seventy-four.

Comptroller to pay for printing, etc.

§ 3. The comptroller shall pay for the engrossing, printing and stationery required, for the issue and cancellation of bonds and certificates of said city, made necessary by this act, and shall charge the same to the different appropriations for which said bonds and certificates of indebtedness are issued.

§ 4. This act shall take effect immediately.

## Chap. 855.

AN ACT to reduce the rates of ferriage on certain ferry routes between the cities of New York and Brooklyn and to establish rates of ferriage thereon, and to regulate the running of said ferries.

Passed May 25, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Rates of ferriage between N. Y. and that part of Brooklyn between Navy Yard and Bushwick creek.

SECTION 1. It shall not be lawful for any person or corporation now or hereafter operating any ferries between the city of New York and that portion of the city of Brooklyn lying along the East river between the Navy Yard and Bushwick creek (except the Roosevelt street ferry) to charge, collect or receive ferriage at higher rates than as prescribed by this act, which are hereby established as the legal rates of ferriage upon the aforesaid ferries, that is to say: For each one horse buggy wagon, gig or sulky, twenty cents; for each one horse business wagon, cart or truck with driver, empty or with ordinary load not exceeding ten feet in length, fifteen cents; for each two horse pleasure carriage, twenty-five cents; for each two horse truck with driver, loaded with ordinary load of sugar, distillery products, rope, flour, or empty, thirty-five cents; and for the same with extra load, fifty cents; for each two horse business wagon and driver, empty or loaded, not exceeding seventeen feet in length, thirty cents; for each two horse

market wagon and driver, loaded, thirty-five cents; for the same, empty, thirty cents; for each one horse market wagon and driver, loaded, twenty-five cents, and empty twenty cents. And the rates of fare for each foot passenger shall not exceed two cents on any of the aforesaid ferries.

§ 2. The rates of fare or ferriage now charged by the New York and Brooklyn Ferry Company for the transportation of persons, vehicles or property between the cities of New York and Brooklyn upon and over the several ferry routes now run and operated by said ferry company are hereby established as the legal rates of ferriage or transportation over said ferry routes except as reduced by the first section of this act; and it shall not be lawful for said corporation, or any other corporation or person who may hereafter run or operate said ferries, to charge, collect or receive any greater rates of fare or ferriage for the carriage of persons, vehicles or property upon or over the said ferries, than such as are allowed and established by the provisions of this act.

Rates now charged by New York and Brooklyn Ferry Company legalized.

No greater rate to be charged.

§ 3. The reduction made by this act in rates of fare or ferriage shall not apply to or affect the ferry running from, at or near Broadway, Brooklyn, E. D., to or near Roosevelt street, New York, commonly known as the Roosevelt street ferry, but the rates of fare or ferriage now charged for the transportation of persons or property over said ferry shall be and continue the legal rates of ferriage thereon, provided always that ten foot passenger tickets shall at all times be sold at the ferry boxes at the entrances to said ferry for twenty-five cents.

This act not to apply to Roosevelt street ferry.

§ 4. The New York and Brooklyn Ferry Company are hereby required to run their boats on all ferries operated by them all night, and after the hour of twelve o'clock at night, and before five o'clock in the morning, as often as once in thirty minutes, and as often as once every eight minutes from each terminus from half past five o'clock to nine o'clock every morning, and from half past four until seven o'clock every evening, and once every ten minutes during the remainder of the day, except upon the Sabbath, when said company shall run their boats on all their ferries as often as once every

How N. Y. and B. Ferry Co. required to run boats on all ferries operated by them.

twelve minutes, between the hours of seven o'clock in the morning and the same hour in the evening.

§ 5. All acts and parts of acts and all provisions of law inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately:

## Chap. 856.

AN ACT to legalize and confirm the acts of the railroad commissioners of the town of Morristown in issuing and delivering the bonds of said town in aid of the Black River and Morristown Railroad.

Passed May 25, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Acts of  
railroad  
commis-  
sioners  
legalized.

SECTION 1. The acts of George F. Rowland, William Tilton and Joseph Couper, second, as commissioners appointed by the county judge of the county of St. Lawrence, in making and executing the bonds of the town of Morristown in said county to the amount of twenty thousand dollars with interest, and in subscribing in the name of said town to the capital stock of the Black River and Morristown Railroad Company to an amount equal to the amount of bonds so created, and in paying for the same by exchanging the said bonds with said company therefor, are hereby legalized, ratified and confirmed, and the stock so subscribed for shall stand as valid for the benefit of said town, and the said bonds and the interest coupons issued therewith are hereby declared to be legal debts, obligations, charges and demands against the said town of Morristown. The said George F. Rowland, William Tilton and Joseph Couper, second, are hereby vested with all the powers and charged with all the duties prescribed by chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, and the acts amendatory thereof and supplemental thereto with respect to commissioners duly appointed under and by virtue thereof.

Bonds  
issued  
to be legal  
debts  
against  
town.

Commis-  
sioners  
charged  
with  
duties pre-  
scribed in  
chapter  
907, Laws  
of 1849,  
etc.

§ 2. All moneys necessary to pay the bonds mentioned in the preceding section with the interest thereon, or any part of the principal sum or interest, shall be levied and collected by tax upon the real and personal property of said town of Morristown, in the same manner as other debts, obligations and charges against said town. And all the provisions applicable to bonds duly issued under and in pursuance of said chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, and the acts amendatory thereof and supplemental thereto, shall be also applicable to the bonds which have been issued by the said George F. Rowland, William Tilton and Joseph Couper, second, for and in behalf of the said town of Morristown.

Tax to pay principal and interest of bonds.

§ 3. This act shall take effect immediately.

## Chap. 857.

AN ACT to amend an act entitled "An act to incorporate the Poughkeepsie Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster County, on said river, passed May tenth, eighteen hundred and seventy-one.

Passed May 25, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section ten of the act entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May tenth, eighteen hundred and seventy-one," is hereby amended so as to read as follows: The shore abut-

Shore  
abut-  
ments,  
where to  
be con-  
structed.

ments of said bridge shall not be constructed beyond the river line of the whale dock property on the east side of said river, nor beyond the river line of ferry dock on the west side thereof; and this corporation is hereby authorized and empowered, for the purpose of the construction of said bridge, to construct and maintain, besides the said shore abutments, piers of masonry in said river not exceeding four in number, at a distance from each other and from said shore abutments of not less than five hundred feet, and the said corporation is hereby authorized and empowered to construct said shore abutments up to the lines hereinbefore stated. The elevation of said bridge shall be at least one hundred and thirty feet above high water, and the said corporation shall keep the piers of masonry in said river sufficiently lighted on each and every night during the navigable season of each and every year, and shall provide and keep a tug constantly ready to render all necessary assistance to tows coming up and down the said river during the said navigable season.

Elevation  
of bridge,  
etc.

Time in  
which to  
commence  
and com-  
plete  
bridge ex-  
tended.

§ 2. The time limited in the first section of said act for the commencement of said bridge is hereby extended to January first, eighteen hundred and seventy-four, and the time limited therein for the completion of said bridge and opening the same for use is hereby extended to January first, eighteen hundred and seventy-nine.

Quorum.

§ 3. Until the first election of directors of said corporation provided for by section four of said act, nine of the corporators named in said act shall be a quorum for the transaction of business at any meeting of said corporation.



## Chap. 858.

AN ACT to amend an act entitled "An act to enable the mayor and common council of Long Island City to borrow money," passed April thirteenth, eighteen hundred and seventy-one.

Passed May 25, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first section of an act entitled "An act to enable the mayor and common council of Long Island City to borrow money," passed April thirteenth, eighteen hundred and seventy-one, is amended so as to read as follows:

§ 1. It shall be lawful for the mayor and common council of Long Island City to raise, by loan, a sum not exceeding sixty thousand dollars, by the creation of a public fund or a stock, redeemable as follows, viz.: Six thousand dollars to be paid in eighteen hundred and seventy-three, and six thousand dollars to be paid every year thereafter until the whole sum is redeemed; which sum of sixty thousand dollars so raised shall be applied and expended by the said mayor and common council of Long Island City in the erection of a city hall.

Mayor and common council may borrow not exceeding \$60,000.

How applied.

§ 2. The second section of said act is amended so as to read as follows:

§ 2. It shall be lawful for the mayor and common council of Long Island City to raise, by loan, a sum not exceeding eighty thousand dollars by the creation of a public fund or stock redeemable as follows: Six thousand dollars to be paid in eighteen hundred and eighty-three, and six thousand dollars every year thereafter until the whole sum is redeemed; which sum, not to exceed eighty thousand dollars authorized by this section, shall be expended in and applied to the payment of the expenses of making a survey and plan of Long Island City, and the necessary maps, profiles and records of such survey and plan, and for no other purpose, and no additional sum shall be raised under section seven of

Mayor and common council may borrow not exceeding \$80,000.

How expended.

an act entitled "An act to provide for the laying out of streets, avenues, roads and parks in Long Island City," passed April twenty-sixth, eighteen hundred and seventy-one.

§ 3. This act shall take effect immediately.

## Chap. 859.

AN ACT to amend an act entitled "An act to provide for the laying out of streets, avenues, roads and parks in Long Island City," passed April twenty-sixth, eighteen hundred and seventy-one.

Passed May 25, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of an act to provide for the laying out of streets, avenues, roads and parks in Long Island City, passed April twenty-sixth, eighteen hundred and seventy-one, is amended to read as follows:

Com-  
mis-  
sioners of  
streets.

§ 1. Peter G. Van Alst, Robert M. C. Graham and Henry S. Anable are hereby appointed commissioners of streets, roads, avenues and parks in Long Island City, for the purpose of performing the several acts and duties hereinafter prescribed; and in case of the death, resignation or refusal to act of either of said commissioners, as often as such event or vacancy shall happen, to appoint a suitable person to fill such vacancy, and such appointee shall have all the power and authority vested in a commissioner by this act.

Vacancies, how  
filled.

§ 2. Section three of said act is hereby amended so as to read as follows:

Com-  
mis-  
sioners to  
have ex-  
clusive  
power to  
lay out  
streets,  
etc.

§ 3. It shall be lawful for said commissioners, and they shall have and possess exclusive power to lay out streets, avenues, roads, public squares and parks, of such width, extent and direction, and of such grades as to them shall seem most conducive to the public good, and they shall have power and may provide for straightening and widening such streets, roads, and avenues as have been accepted by the common council

of said city, and it shall be the duty of such commissioners to lay out such streets, roads, and public squares, of such ample width as they may deem sufficient to secure a free and abundant circulation of air among such streets and public squares, where the same shall be built upon; but the said commissioners shall not alter the lines or grades of any of the streets or avenues within the boundaries of the said city which have heretofore been laid out or graded, and which have a width of at least fifty feet, and of which the maps have been filed in the clerk's office of Queens county, except where such lines or grades materially interfere with principal thoroughfares, or a general system of drainage and sewerage.

Not to  
alter lines  
or grades  
of certain  
streets  
hereto-  
fore laid  
out.

§ 3. Section six of said act is hereby amended to read as follows:

§ 6. Before the commissioners shall enter upon their duties they shall severally take and subscribe an oath before the mayor or recorder of Long Island City faithfully and impartially to execute the duties of their said office, and shall report from time to time when called upon so to do by the common council their acts and doings in the premises.

Official  
oath.

Commis-  
sioners to  
report to  
common  
council.

§ 4. Section seven of said act is hereby amended so as to read as follows:

§ 7. The mayor and common council of Long Island City shall provide by a special tax or otherwise such sum or sums of money, not exceeding eighty thousand dollars, as in their judgment shall be necessary to defray the expense and carry out the work of said commissioners until such work shall be completed, which said sum shall be subject to the draft or drafts from time to time of said commissioners for the monthly or other periodical payment of the expenses to be incurred by them for the services of surveyors and other employees, and for monuments, maps and other necessary things to carry on said work, but no such draft shall be paid until a true account of such expenses in detail shall have been first rendered to the mayor and common council of said city, verified by the oath of said commissioners, and passed upon and approved by said mayor and common council, nor shall

Mayor and  
common  
council to  
provide  
by special  
tax or  
otherwise,  
not ex-  
ceeding  
\$80,000, to  
defray  
street ex-  
penses.

any such draft be paid for any greater sum than the amount of such expenses certified as aforesaid.

§ 5. Section fourteen of said act is hereby amended so as to read as follows:

Compensation of commissioners.

§ 14. The chairman of said commissioners, to be by them chosen, shall receive three thousand dollars a year, and each of the other commissioners shall receive one thousand dollars a year, and at that rate while they shall respectively be actually employed in the duties assigned to them, the same to be paid by the mayor and common council of Long Island City out of the money provided for the expenses of such commission; but the commissioners named in the first section of this act shall have no power to open, lay out or construct any street or avenue through the depot grounds of the Long Island Railroad Company.

§ 6. This act shall take effect immediately.

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## Chap. 860.

AN ACT to amend chapter one hundred and ninety of the Laws of eighteen hundred and seventy, in relation to supervisors of the county of New York.

Passed May 31, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section second of chapter one hundred and ninety of the Laws of eighteen hundred and seventy is hereby amended so as to read as follows:

Majority necessary to pass resolutions, etc.

§ 2. The concurrence of a majority of all the members of the board of supervisors shall always be necessary to the passage of any resolution, ordinance or act.

§ 2. This act shall take effect immediately.

## Chap. 861.

## AN ACT to amend the charter of the Reserve Mutual Life Insurance Company.

Passed May 31, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of article five of the charter of the Reserve Mutual Life Insurance Company, filed in the office of the insurance department on the twenty-seventh day of May, eighteen hundred and sixty-eight, which section reads as follows, to wit:

Part of  
charter re-  
pealed.

"Within sixty days after the first day of January, in each year, a valuation of the assets and liabilities of the company shall be made, and, after providing for all outstanding liabilities, twenty per cent. of the surplus or net profits of the preceding year shall be set apart and held by the company as a permanent guarantee fund, subject to losses of the company, interest upon which shall be paid annually, pro rata, to the stockholders of the company; but said guarantee fund shall never exceed the sum of five hundred thousand dollars," is hereby repealed.

§ 2. Article six of the said charter is hereby amended so as to read as follows, to wit: Article six. The officers of the company, within sixty days from the first day of January in each year, shall cause a balance to be struck of the affairs of the company, which shall exhibit its assets and liabilities, both present and contingent, and also the surplus. After setting apart a sum equal to the net value of all the policies, together with the capital, such policy holders as may be entitled thereto shall be credited with an equitable share of said surplus; such equitable share, after being ascertained, shall be applied in such manner and at such times as the board of trustees may deem equitable, and from time to time provide.

Officers to  
cause  
balance  
to be  
struck ex-  
hibiting  
assets, lia-  
bilities,  
etc.

Policy  
holders to  
be credit-  
ed with  
equitable  
share of  
surplus.

§ 3. This act shall take effect immediately.

## Chap. 862.

AN ACT to amend the charter of the National Burglar Insurance Company of the city of New York, passed May eighth, eighteen hundred and sixty-eight.

Passed May 31, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to amend the charter of the National Burglar Insurance Company of the city of New York," passed May eighth, eighteen hundred and sixty-eight, is hereby amended to read as follows:

Corporators.

§ 1. Jesse C. Dayton, George C. Collins, H. B. Babcock, Charles Fowler and William Dowd, and their associates, shall be and are hereby constituted a body corporate and politic by the name and style of the National Burglar and Theft Insurance Company of the city of New York, and by that name shall have perpetual succession, and sue and be sued in any court whatsoever, and to make and use a common seal, and the same to alter and renew at pleasure.

Corporate name.

§ 2. Section two of said act is hereby amended to read as follows:

Corporate powers.

§ 2. The corporation hereby created shall have power to make insurance and take risks on such kinds of property and at such rates of premium as the directors may, from time to time, determine; but this act shall not be construed so as to include any insurance except against burglary and theft, and to do all necessary acts and things required in law, to make policies of insurance, legal, equitable and binding, all upon terms to be prescribed by the by-laws of such corporation.

§ 3. Section three of said act is hereby amended to read as follows:

Capital stock.

§ 3. The capital stock of said corporation shall be two hundred thousand dollars, divided into four thousand shares of fifty dollars each, and the persons above named as corporators, or any three of them, shall be

commissioners, whose duty it shall be, within six years after the passage of this act, on such day and in such place in the city of New York, or elsewhere, as they or a majority of them shall appoint, giving at least fourteen days' notice thereof, in one or more newspapers published in said city, to open books for the purpose of receiving subscriptions, and keep the same open until the half of said stock shall be taken up, and the said corporation shall not commence business until one-quarter of said capital stock shall have been subscribed and paid in, and the said corporation shall organize and commence business within the time mentioned in this section.

Books of subscription to capital stock to be opened.

§ 4. The title of said charter is hereby amended so as to read as follows: The National Burglar and Theft Insurance Company.

Title amended.

§ 5. This act shall take effect immediately.

## Chap. 863.

AN ACT to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company and Rockaway Railway Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies.

Passed May 31, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The South Side Railroad Company of Long Island is hereby authorized and empowered to purchase and to hold the capital stock of the New York and Flushing Railroad Company, of the Far Rockaway

South Side R. R. Co. empowered to purchase capital

stock of  
railroads  
named for  
the pur-  
pose of  
consoli-  
dating.

Its direct-  
ors may  
vote on  
stock so  
purchased

South Side  
R. R. Co.  
may issue  
its own  
stock in  
payment  
for the  
stock of  
other  
roads  
assigned  
to it.

When  
South Side  
R. R. Co.  
shall have  
purchased  
all the  
stock of  
any or all  
of the  
roads  
named,  
directors  
to author-  
ize presi-  
dent to  
issue cer-  
tificate.

Branch Railroad Company, of the Rockaway Railway Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company also of Queens county, or the stock of any of them, for the purpose of consolidating two or more of said corporations as hereinafter provided, and the directors of said South Side Railroad Company of Long Island may vote on the stock of said last named companies so purchased, at any election for directors of said companies, or either of them, as long as the same continue corporations.

§ 2. For the purchase of the stock of said New York and Flushing Railroad Company, Far Rockaway Branch Railroad Company, Rockaway Railway Company of Queens county, New York, and Hunter's Point and South Side Railroad Company of Queens county, Long Island, the directors of the said South Side Railroad Company of Long Island are authorized to issue stock of said company to the stockholders of said New York and Flushing Railroad Company, Far Rockaway Branch Railroad Company, Rockaway Railway Company of Queens county, New York, and Hunter's Point and South Side Railroad Company, also of Queens county, in payment for such stock as said stockholders may assign to the said South Side Railroad Company; the stock of said company so issued not to exceed in amount the stock transferred to it.

§ 3. Whenever the South Side Railroad Company, of Long Island, shall have purchased and become the owner of all the stock of the New York and Flushing Railroad Company, Far Rockaway Branch Railroad Company, Rockaway Railway Company of Queens county, New York, and the Hunter's Point and South Side Railroad Company also of Queens county, or of all the stock of one or more of said corporations or of any other corporation as provided by this act, the directors of any of said corporations, whose stock shall have been so purchased, may empower the president of such corporation to certify, under its corporate seal, that the whole outstanding capital stock of said corporation is held and owned by the South Side Railroad Company, of Long Island, which said certificate shall be verified by the affidavits of two of the directors of such corporation,



and of two of the directors of said South Side Railroad Company of Long Island, that the contents of such certificate are true. On the filing of such certificate, verified as aforesaid in the office of the Secretary of State, the South Side Railroad Company of Long Island shall be vested with and become the owner of all and singular the corporate rights, privileges, exemptions, franchises, powers, property, real, personal and mixed, and things in action of the corporation whose stock shall have been so purchased, and shall hold and use the same as its successor and grantee as fully as the same are now held by the said corporation, and the title to all real estate acquired by said corporation by deed or otherwise shall not be deemed to revert, or be in anywise impaired by virtue thereof, but shall be vested in said South Side Railroad Company of Long Island.

On filing certificate in office of Secretary of State, company to be vested with all corporate rights, etc., of company whose stock has been so purchased.

§ 4. On the consolidation of any of said corporations with the South Side Railroad Company of Long Island, as provided in this act, the corporate existence of the corporation so consolidated shall determine, and its stock shall be canceled, but the rights of all creditors and all liens upon the property of such corporation shall be preserved unimpaired, and no suit, action, or other proceeding now pending before any court or tribunal to which such corporation may be a party, shall abate by reason of such consolidation, but the same may be conducted to final judgment in the name of the said corporation.

Effect of consolidation of, said corporations.

§ 5. The said South Side Railroad Company of Long Island is hereby authorized and empowered to build or purchase in the counties of Queens and Suffolk branches from its main line, and also to extend such branches and its main line; and for the purposes of the construction of such branches and extension, shall possess all the powers, rights and privileges, and be subject to all conditions and restrictions granted to or imposed on railroad corporations by the provisions of chapter one hundred and forty of the Laws of eighteen hundred and fifty, and the various acts amendatory of the same as fully in all respects as if such branches had formed a part of the line of said company set forth in its articles of association, provided that said company or consoli-

South Side R. R. Co. may build or purchase branches in Queens and Suffolk counties.

dated companies shall not construct any depots, turntables, or any track or tracks on lands of any other company, without first having obtained the title thereto.

Motive  
power to  
be used  
by South  
Side R. R.  
Co.

§ 6. The South Side Railroad Company of Long Island is hereby authorized to operate its road from the easterly line of the corporate limits of the city of Brooklyn to their depot, located at the junction of Bushwick and Montrose avenues with steam, and from Bushwick avenue to the East river with improved steam dummies, in and through the following streets and avenues in the city of Brooklyn, namely: Bushwick avenue, Boerum street, Broadway and South Eighth street, or through such other streets and avenues as the said company and the common council of said city may agree upon; provided, however, that said company shall operate said dummies under such rules and regulations, and with such precautions, as may be from time to time prescribed by the mayor and common council of the city of Brooklyn.

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## Chap. 864.

AN ACT to authorize the Adirondack Company to construct and operate a branch of its railroad from its main line to the north bounds of the State.

Passed May 31, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Company  
may con-  
struct  
branch  
railroad.

SECTION 1. The Adirondack Company is hereby authorized to construct and operate a branch of its railroad, commencing at some point at its line between the south line of the town of Thurman, in the county of Warren, and the north line of the town of Newcomb, in the county of Essex, and running to the north bounds of this State, in either of the towns of Mooers or Champlain, in the county of Clinton.

§ 2. This act shall take effect immediately.

## Chap. 865.

AN ACT in relation to certain suits and proceedings by and against the late Metropolitan Fire Department.

Passed May 31, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The attorneys of record, in certain suits pending in the superior court in the city of New York, by Martin Francis Burbacker and John M. Clarissy, plaintiffs, against the Metropolitan Fire Department, may settle and compromise said suits and all proceedings thereunder, provided that all damages and expenses therewith connected shall not exceed the sum of six thousand dollars; and upon filing with the comptroller of the city of New York the certificate of the corporation counsel in said city, certifying the discontinuance of said suits and the satisfaction of any and all judgments or decrees entered of record therein, said comptroller shall allow and pay for such purpose to the attorney of record representing the late Metropolitan Fire Department, the said sum of six thousand dollars.

Attorneys of record may settle certain suits.

Amount of damages limited.

When comptroller to pay.

§ 2. The attorneys of record in all suits and actions brought by the late Metropolitan Fire Department, plaintiff, against sundry persons, and in which appeals or other proceeding are pending, may settle and compromise said suits and actions and all proceedings thereunder, provided that all damages and expenses therewith connected shall not exceed the sum of two thousand dollars; and upon filing with the comptroller of the city of New York the certificate of the corporation counsel in said city, certifying the discontinuance of said suits and actions, and all proceedings pending thereunder, and the satisfaction of any and all judgments or decrees entered of record therein, said comptroller shall allow and pay for such purpose to the attorney of record representing the late Metropolitan Fire Department, said sum of two thousand dollars.

Attorneys may settle certain other suits.

Amount of damages limited.

When comptroller to pay.

Such  
sums,  
when  
paid, to be  
in full of  
all claims.

§ 3. The said several sums of money, when paid as hereinbefore directed, shall be in full payment and satisfaction of all claims, demands, causes of action, costs of attorneys' and counsel fees, or other expenses whatsoever under said suits, actions or proceedings therein, on the part of all the parties thereto, and a full settlement of all pending litigation connected with the late Metropolitan Fire Department; and shall be provided for and paid by the comptroller of the city of New York out of moneys to be obtained therefor in the manner he is authorized and directed under section two of an act entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," passed January thirtieth, eighteen hundred and seventy-two.

§ 4. This act shall take effect immediately.

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## Chap. 866.

### AN ACT to incorporate the city of Yonkers.

Passed June 1, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

#### TITLE I.

#### OF THE POWERS, BOUNDARIES AND CIVIL DIVISIONS OF THE CITY OF YONKERS.

City of  
Yonkers.

General  
powers.

SECTION 1. The district of country in the county of Westchester, included within the boundaries described in the next section, shall be a city by the name of Yonkers, and the citizens of this State, from time to time, inhabitants within the said boundaries, shall be a corporation by the name of "The City of Yonkers," and, in addition the powers hereinafter specially granted, shall possess all the general powers, and be subject to all the restrictions and conditions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, except the fifth, ninth and tenth sections of said title, which are hereby declared inapplicable to the corporation hereby created; and the said cor-

poration shall also possess the powers conferred on similar corporations by the second section of the act entitled "An act authorizing certain trusts," passed May fourteenth, eighteen hundred and forty.

§ 2. The territory within the following boundaries shall constitute the city of Yonkers, as follows, to wit: Bounded westerly by the westerly line of the county of Westchester, northerly by the town of Greenburgh, easterly by the easterly line of the town of Yonkers, and southerly by a line drawn from the westerly line of the said county to the easterly line of the town of Yonkers, in manner following, to wit: Commencing at a point formed by the intersection of the westerly line of the said county with a line of extension westerly of the northerly line of the land belonging to the sisters of charity, known as Mount St. Vincent de Paul; thence easterly along said northerly line of the land of said sisters of charity to Riverdale avenue; thence still easterly and in a straight line crossing said Riverdale avenue and South Broadway to the northwest corner of land of G. F. Coddington; thence still easterly in a straight line to the northwest corner of land known as the Van Courtland estate, near Highland avenue; thence easterly along the northerly boundary line of land known as the Van Courtland estate to the northeasterly corner thereof; thence running easterly in a straight line to the Bronx river to a point in the easterly line of the town of Yonkers, distant northerly twenty-one hundred feet from the northerly boundary line of Woodlawn cemetery, measured on a course bearing north twenty degrees east (present magnetic bearing) therefrom.

§ 3. The said city shall be divided into four wards, as follows, to wit:

First ward. All that territory included within the following boundaries shall constitute the first ward of said city, to wit: Beginning at the intersection of the extension, westerly of the center line of Main street (as said Main street runs from Buena Vista avenue to the Hudson river), with the westerly line of the city of Yonkers; and running thence easterly along said extended line and center line of Main street to its intersection with the center line of South Broadway at Getty

square; thence southerly, along the center line of South Broadway to Highland avenue; thence southeasterly and southerly, along the center line of Highland avenue to a point in said center line nearest to the southerly line of the city of Yonkers; thence due south, to the southerly line of the city of Yonkers; thence westerly, along the southerly line of the city of Yonkers to the westerly line of the city of Yonkers; thence northerly, along the westerly line of the city of Yonkers, to the place of beginning.

Second  
ward.

Second ward. All that territory included within the following boundaries shall constitute the second ward of said city, to wit: Beginning at a point formed by the intersection of the center line of Main street with the center line of Riverdale avenue; thence northerly, along the center line of the bridge known as the Warburton avenue bridge, and continuing to the center line of Dock street; thence easterly, along the center line of Dock street to the center line of North Broadway; thence northerly, along the center line of North Broadway to Ashburton avenue; thence easterly, along the center line of Ashburton avenue (crossing the Nepperhan river) to the center line of the highway running past the Yonkers cemetery; thence southerly and easterly, along the center line of the said last mentioned highway to Yonkers avenue; thence easterly, along Yonkers avenue to Midland avenue; thence easterly, along the center line of Midland avenue to the easterly line of the city of Yonkers; thence southerly along the easterly line of the city of Yonkers to the southerly line of the city of Yonkers; thence westerly, along the southerly line of the city of Yonkers to the southeasterly corner of the first ward; thence northerly and westerly, along the easterly and northerly boundary lines of the first ward, to the place of beginning.

Third  
ward.

Third ward. All that territory included within the following boundaries shall constitute the third ward of said city, to wit: Beginning at the point formed by the intersection of the westerly line of the city of Yonkers and the northerly boundary line of the first ward; and running thence easterly, along the northerly boundary line of the first ward to the center line of

Riverdale avenue, where it crosses Main street; thence northerly, along the center line of the bridge known as the Warburton avenue bridge, and continuing to the center line of Dock street; thence easterly, along the center line of Dock street to the center line of North Broadway; thence northerly, along the center line of North Broadway to the center line of Ashburton avenue; thence easterly along the center line of Ashburton avenue to the center of the Nepperhan river, under the Ashburton avenue bridge; thence northerly, along the center line of the Nepperhan River, as the said line now runs and as the channel thereof may hereafter be changed, to the north line of the city of Yonkers; thence westerly, along the northerly line of the city of Yonkers to the westerly line of the city of Yonkers; thence southerly, along the westerly line of the city of Yonkers, to the place of beginning.

Fourth ward. All that territory included within the following boundaries shall constitute the fourth ward of said city, to wit: Beginning at the northeasterly corner of the city of Yonkers, and running thence westerly, along the northerly line of the city of Yonkers to the easterly boundary of the third ward; thence southerly, along the easterly boundary line of the third ward to its intersection with the northerly boundary line of the second ward; thence easterly, along the northerly boundary line of the second ward to the easterly line of the city of Yonkers; thence northerly, along the easterly line of the city of Yonkers, to the place of beginning.

Fourth  
ward.

§ 4. The common council shall have the power at any time by a two-third vote of the members elected, to change the boundaries of the several wards of said city, but not to increase the number of wards.

Common  
council  
may  
change  
bound-  
aries of  
wards.

§ 5. By its corporate name the said corporation shall have power to sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, receive by gift, grant, devise, bequest or purchase, and hold and convey real and personal estate. The city of Yonkers is hereby declared to be the successor of the village of Yonkers, and from and after the passage of

General  
corporate  
powers.

Successor  
of the  
village of  
Yonkers.

this act, and the first election and qualification of officers to be elected under this act, it shall become and be thenceforth seized and possessed of all the property and estate of the said the village of Yonkers, and shall be liable to pay all the debts and obligations of the said the village of Yonkers.

## TITLE II.

### OF THE OFFICERS OF THE CITY, THEIR ELECTION AND APPOINTMENT.

Officers.

SECTION 1. The officers of the city shall be as follows: a mayor; a city judge; a clerk of the city court; a city clerk; a city treasurer; a street commissioner; one chief engineer of the fire department and two assistants; two aldermen; two fire wardens for each ward in said city; three inspectors of elections for each election district in said city; such other officers as hereinafter named.

Mayor  
and judge.

§ 2. The officers of the city, elected by general ticket, shall be a mayor and city judge.

Election  
districts  
and in-  
spectors  
of elec-  
tions.

§ 3. The common council shall have power to subdivide the wards and organize election districts therein for the purposes of all city elections to be held under this act, and the inspectors of elections under this act shall be the inspectors of elections at all city elections, and shall possess the powers and discharge all the duties of inspectors of elections in towns at said city elections so far as the same shall be consistent with this act.

Aldermen.

§ 4. At each annual election held for the election of officers of said city after the first, there shall be elected one alderman in each ward, who shall be a resident of the ward for which he is elected.

First  
election.

§ 5. An election for elective officers of said city shall be held on the third Tuesday after the approval of this act by the Governor, and on the first Tuesday in March every year thereafter. At such first election shall be elected a mayor and city judge for said city, and in each ward two aldermen who shall hold their offices for the periods hereinafter provided. At each second annual election thereafter, the electors of said city shall elect a mayor for the succeeding term of two years, and at each fourth annual election thereafter the electors of

Officers  
to be  
elected at  
such  
election.  
Subse-  
quent  
elections.



said city shall elect a city judge for the succeeding term of four years. The president of the village of Yonkers, for the time being, shall appoint the places of holding said first election, and shall appoint three inspectors of election in each ward, and shall give public notice of the time and places of holding said first election, and of the officers to be chosen thereat immediately after the passage of this act, by publishing the same in all the newspapers printed in said village, once a week for two weeks, and by posting written or printed notices thereof in at least three public places in each ward hereinbefore designated and marked out, but the omission to give such notice shall not invalidate such election.

President of the village to appoint polling places and inspectors and give notice of first election.

§ 6. The like public notices of all future elections under this act shall be given by the mayor and common council hereby authorized to be elected.

Notices of future elections.

§ 7. Every elector residing in said city who shall, at the time and place of offering his vote having the qualifications necessary to entitle him to vote, shall be entitled to vote for all officers to be elected by virtue of this act, in the ward or district in which he shall reside as provided by law.

Qualifications of electors.

§ 8. The city clerk shall give notice in writing of every election to be held under this act, except as herein otherwise provided, to the inspectors of election of the several election districts in said city, at least one week before the day of election. All laws relating to general elections for State officers, as far as the same shall be applicable, shall be deemed to apply to all elections authorized by this act; and the inspectors of all elections under this act shall have the same power and authority and shall proceed in all respects, as near as may be, as inspectors of elections in towns.

City clerk to give notice of election to the inspectors.

General election laws to be applicable to elections under this act.

§ 9. The electors shall vote by ballot. The word "city" shall be indorsed on the outer side of each ballot containing the names of officers mentioned in section two of this title, and the word "ward" on the outer side of each ballot containing the names of officers mentioned in section four of this title.

Ballots, how indorsed.

§ 10. The city clerk shall deliver the several statements and certificates of the canvass made by the inspectors to the common council at their next meeting,

City clerk to deliver statements of the canvass.

vass to the common council, who shall declare result.

Who to be declared elected.

City clerk to notify persons elected.

In case of tie, special election to be ordered.

Statement of votes cast at first election to be delivered to village clerk and by him to the trustees, who shall meet and determine and certify result.

which shall be on the day next after the annual election in each year, who shall upon such statements and certificates declare and determine what persons have been duly elected to the respective offices voted for at such election. The persons having the greatest number of votes for the respective offices to be filled by general elections, by general ticket for the whole city, and those having the greatest number of votes for the offices to be filled by the electors of the several wards, shall be declared duly elected, and the common council shall make and subscribe certificates thereof in duplicate, one of which shall be filed with the city clerk and entered in the book of record of his proceedings, and the other with the clerk of the county of Westchester. The city clerk shall thereupon serve upon such persons elected to an office, either personally or at his place of residence, a notice of his election.

§ 11. If at any election authorized by this act, the mayor, city judge or aldermen, shall not have been chosen, by reason of two or more candidates having received an equal number of votes for the same office, a special election shall be ordered by the common council, within five days from such election, to be held within twenty-five days after the date of such order; and they shall cause such notice as is required for a general city election to be published for at least five days previous to such special elections. The provisions of law in respect to the annual election, as far as the same are applicable, shall apply to such special election.

§ 12. The statement of the votes cast at the first election to be held under this act, to be made by the inspectors of election according to the provisions of the foregoing section ten, shall be by them delivered to the clerk of the village of Yonkers, who shall deliver the same to the board of trustees of the village of Yonkers, who shall meet on the day next after said first election, and shall, upon such statements and certificates, determine which persons have been duly elected to the respective offices voted for at such first election to be held under this act, and all or a majority of the members of such board shall join in a certificate of the result thereof, and file the same with the clerk of

the village of Yonkers, and a duplicate thereof with the clerk of Westchester county, and a statement of the canvass shall be published in the city papers. The statement of votes cast at each annual election shall be delivered by the inspectors of election to the city clerk, who shall deliver said statements to the common council, as provided in section ten of this title.

Statement  
of votes  
at annual  
elections  
to be de-  
livered to  
common  
council.

§ 13. Every person elected or appointed to any office under this act, before entering on the same, shall take the oath presented\* in article twelve of the Constitution of this State, before the mayor or some officer authorized to take affidavits to be read in courts of justice, and file the same with the city clerk, and the mayor, city judge and city clerk shall also file an oath of office with the clerk of Westchester county; and every person so elected, who shall refuse or neglect to give the security required by law, and to take and file the said oath of office for fifteen days after personal notice in writing of his election from the city clerk, shall forfeit twenty-five dollars to the use of the city, and be deemed to have declined the office.

Official  
oath.

Penalty  
for re-  
fusal or  
neglect  
to give  
security  
or take  
and file  
oath.

§ 14. The term of office of the mayor of said city shall commence on the Tuesday succeeding the day on which he is elected, and shall continue until the Tuesday succeeding the second annual election thereafter and until his successor shall have qualified. The term of office of the city judge of said city shall commence on the Tuesday succeeding the day on which he is elected, and shall continue until the Tuesday succeeding the fourth annual election thereafter, and until his successor shall have qualified. The term of each alderman shall commence on the Tuesday succeeding the day on which he is elected, and shall continue until the Tuesday succeeding the second annual election thereafter and until his successor shall have qualified, except as herein is otherwise provided.

Term of  
office of  
mayor.

Or city  
judge.

Of alder-  
men.

§ 15. The city clerk shall be nominated, and, by and with the advice and consent of the common council, appointed by the mayor. His term of office shall continue during the pleasure of the common council. The street commissioner shall be appointed in like manner, and shall hold office during the pleasure of the common

City clerk,  
how ap-  
pointed.

Street  
commis-  
sioners.

\*So in the original.

**Clerk of city court.** council. The clerk of the city court shall be appointed by the city judge by his appointment in writing, to be filed with the city clerk, and he shall hold his office during the pleasure of the city judge. His salary shall be at the rate of six hundred dollars per annum. He shall have the same powers and perform the same duties in the city court as are had and performed by the clerk of the marine court of the city of New York.

**Salary of.**

**Powers and duties of.**

**Inspectors of election, how appointed.** § 16. The mayor shall nominate and, by and with the advice and consent of the common council, appoint three inspectors of election for each election district within said city, whose term of office shall commence as soon as such appointment shall be made, and they shall have qualified, and shall continue to and until the Tuesday after the next annual election thereafter, and until their successors shall be appointed and qualified. At the annual meeting of the common council, or at some subsequent meeting, and as soon thereafter as may be, it shall be the duty of the mayor to nominate and, by and with advice and consent of the common council, to appoint the city treasurer, one city surveyor, one city sealer and two fire wardens for each ward, who shall hold their offices for one year, in the manner provided by this act, except such of said officers as to which other terms of office are herein provided.

**City treasurer, surveyor, city sealer and fire wardens.**

### TITLE III.

#### OF THE MAYOR, ALDERMEN, ET CETERA.

**Duty of the mayor.** SECTION 1. It shall be the duty of the mayor, and he shall have power to exercise a constant supervision over said city and over the conduct of all its officers, to receive and examine and take proof of all complaints against any officer for any misconduct or neglect of duty, and to suspend such officer, and to report all he shall do in the premises to the common council. He shall, from time to time, communicate to said common council, and recommend such measures as he shall deem necessary or expedient. He shall have power to administer oaths and to take affidavits in matters relating to the city. No salary or compensation shall be allowed or paid to the mayor or any alderman for any services rendered in the discharge of the duties of their respective

**May administer oaths.**

**No compensation to be paid mayor or aldermen.**

offices, pursuant to the provisions of this act. The mayor of the city of Yonkers shall possess all the powers and authority conferred upon mayors of cities by any general statute of this State; he shall have power to apprehend and arrest any person who shall, within his view, be guilty of any criminal act, or of any violation of the laws or statutes of this State. The mayor or any justice of the peace or any alderman of said city may, upon complaint being made to him under oath, issue a warrant to any police officer or constable of the city of Yonkers to arrest any person charged with any crime or misdemeanor, or with any violation of any of the laws or statutes of said State, and take such person for examination or trial either before the said mayor or before the city judge or acting city judge. Any such warrant may be executed by any officer to whom it is directed at any place within this State. The city judge or acting city judge, upon such process being returnable to him, or the prisoner arrested by virtue thereof being brought before him, shall take and acquire jurisdiction of the person and subject-matter, and proceed with the case to the same extent and in the same manner in all respects as if such process had been originally issued by him. Whenever any person shall be arrested by the mayor of said city for any offense committed within his view, or by process originally returnable before him, he may, by an order in writing, transfer the case to the city judge, who shall thereupon take and acquire jurisdiction, and proceed with such case in the same manner and to the same extent as if such person had been arrested or such process originally issued by him; or the said mayor may, in any such case, proceed to examine any such person and commit him for trial to answer the charge against him, or discharge him according to law. He shall take care that the laws of the State and the ordinances of the city and of the common council are faithfully executed, and shall receive complaints and institute or cause to be instituted prosecutions for their violation. He shall maintain peace and good order in the city. He shall nominate suitable persons for all offices, the nominations to which are by this act required to be made by him, without unreasonable delay. He shall have power

General  
powers of  
mayor.

May issue  
warrants.

Warrants  
may be  
executed  
within the  
State.  
Proceed-  
ings be-  
fore city  
no expul-  
sion of  
return of  
process.

Mayor  
may trans-  
fer case  
to city  
judge.

Mayor to  
see that  
laws and  
ordi-  
nances  
are ex-  
ecuted.

To nomi-  
nate suit-  
able per-  
sons to  
office, etc.

to nominate, and by and with the advice and consent of the common council, to appoint suitable persons to fill vacancies in office, and if the office is electoral, such appointee shall hold only until the next annual election, and if the vacant term be not then terminated, it shall then be filled for the residue of the term by election.

Veto  
power.

§ 2. The mayor shall have the power to veto any resolution, ordinance or by-law, or other proceeding of the common council, and it shall be his duty to veto any resolution or ordinance of the common council, by his order to be entered upon the minutes or journal, with his reasons therefor, within ten days after its passage, when, in his judgment, it is in violation of law, or appropriates money, or involves expenditures improvidently, or if, in his judgment he shall deem the same improper; if at the next regular meeting of the common council two-thirds of all the members elect, re-adopt such resolution, ordinance, by-law, or other proceeding so vetoed, it shall be valid and effectual notwithstanding such veto.

Two-  
third vote  
of com-  
mon coun-  
cil may  
pass reso-  
lution  
over  
veto.  
Mayor to  
execute  
leases, etc.,  
on behalf  
of city.

§ 3. The mayor, in behalf of the city, shall execute all leases, contracts, and other papers, to be executed as the act of the city, when so authorized by the common council.

To report  
to com-  
mon  
council.

§ 4. The mayor shall submit to the common council, annually, a report of the financial transactions of the city, for the year, showing,

Moneys  
received.

1. All moneys raised or received, and from what sources, distinguishing also the funds and purposes to which they belong.

Expend-  
ed.

2. All expenditures and payments specifying each item, and out of what fund.

Indebted-  
ness.

3. The entire indebtedness of the city, if any, distinguishing the funds indebted, and stating the payments made on account of each fund. He shall also submit an estimate of the amount required to be raised by tax for the ensuing year for ordinary expenditures, specifying details as far as practicable, and such other statements as he may deem useful. The mayor's report shall be submitted to the common council at least ten days before the annual election, and printed and circulated under its direction. The mayor shall also

Estimate  
for ordi-  
nary ex-  
penses.

When to  
be sub-  
mitted.

communicate to the common council at its annual meeting such facts as he shall deem proper, with his recommendation for their action thereon.

§ 5. The mayor shall also have power, and it shall be his duty, to suppress riots, and to order and compel all tumultuous assemblies to disperse, and he shall have the same power for these purposes given by law to sheriffs in cases of resistance to the execution of process. He may call special meetings of the common council by appointment in writing, to be filed with the city clerk, and when such appointment is filed, as herein directed, such meeting shall be called in such manner as shall be provided by ordinance of the common council. The mayor shall sign all resolutions, ordinances and by-laws passed by the common council, approved by him, and all appointments made by him or the common council. He shall be president of the board of health of said city.

§ 6. It shall be the duty of every alderman in said city to attend all meetings of the common council, to act upon committees when thereunto appointed by the mayor or common council, to arrest or cause to be arrested all persons violating the laws of the State, to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order, and to perform all such duties as are by this act enjoined upon the aldermen of said city separately, or upon the common council thereof. Every alderman of said city shall possess such powers as are conferred by any general law upon aldermen of cities. Any three of the aldermen of said city may call special meetings of the common council, in the same manner as the mayor or presiding officer, by appointment, in writing, signed by them, filed with the city clerk; and such appointment in writing, so filed, shall have the same effect as if filed by the mayor or presiding officer.

§ 7. The city clerk shall attend all meetings of the common council, and keep a record of its proceedings, and shall have the custody of the corporate seal, and shall keep all papers that by any provision of law, or by direction of the common council, are required to be

To suppress riots, etc.

To call special meetings of common council.

President of board of health.

Duties of aldermen to attend meetings of common council, etc.

General powers.

Three aldermen may call special meeting of common council.

City clerk to attend and keep record of meetings of common council, etc.

**Evidence.** filed in his office or kept by him. Copies of all papers filed in his office, and transcripts from the records of the proceedings of the common council, and copies of the ordinances, by-laws or regulations of the city, certified by him under the corporate seal, shall be evidence in all places and in all courts in like manner as if the originals were produced and proved. He shall

**To publish ordinances, etc.** see that all ordinances, resolutions, notices, orders and other matters requiring publication, are promptly and correctly published in the official papers of the city, or such other paper or papers as the common council may direct; and shall preserve and have bound, from time to time, regular files of the newspapers containing the advertisements of the city. He shall carefully index, file and arrange all books and papers in his office for convenient use. He shall sign all licenses granted by the common council, and shall keep record thereof as it shall direct. He shall, within twenty-four hours after the time limited in this title, in which the mayor may file his veto, make and deliver to the treasurer and the receiver of taxes a certified copy of all resolutions and proceedings of the common council relating to the finances of the city. He shall be clerk of all commissioners appointed under title seven, and shall receive therefor a fee not exceeding fifty dollars in any one such proceeding. He shall have power to take affidavits relating to the city of Yonkers. The records and papers on file in his office can be seen and examined by those interested. In case of sickness, absence or disability of said city clerk to act, the common council are authorized and empowered to appoint a city clerk pro tempore, who shall perform the same duties and possess the same powers as city clerk during such sickness, absence or disability of said city clerk. He shall succeed to all the powers and duties of village clerk of the village of Yonkers, and all papers and books filed with or in possession of the said village clerk shall be delivered to and remain in his possession as such city clerk.

**Index and file books, etc.**

**Sign licenses.**

**To deliver to treasurer certified copies of resolutions, etc.**

**Clerk of commissioners under title 7.**

**City clerk pro tempore, when to be appointed.**

**Duty of treasurer.** § 8. The treasurer of the city of Yonkers shall receive and safely keep all moneys belonging to the city; he shall also keep an accurate account of all receipts and



payments, so as to exhibit the amount paid under each particular class of purposes for which moneys shall be raised, and make returns thereof in such manner and at such times as the common council shall direct. The common council shall make orders for the payment of all moneys to be drawn out of the treasury, except as herein otherwise specially provided; and no money shall be drawn or paid out of the treasury except in pursuance of such orders appropriating the same, and upon warrants drawn and signed by the clerk, and countersigned by the mayor, except as herein otherwise provided. The treasurer shall, on the second Tuesday in March in each year, and at such other times as the common council shall require, present to said council, and file with the clerk a full account of all his receipts and disbursements since the date of the last annual report, and a statement of the financial condition of the treasury. The term of office of the treasurer shall commence on the first Tuesday of June succeeding the annual election in said city, and shall continue two years, and until his successor shall be appointed and become duly qualified to serve. But the treasurer of the village of Yonkers shall be the treasurer of the city of Yonkers, until the first Tuesday of June succeeding the annual election in the year eighteen hundred and seventy-three. Before he enters upon the duties of his office, and within ten days after being notified of the amount at which the common council shall have affixed the penalty of his bond, he shall execute to the city of Yonkers a bond, with two or more sureties, to be approved by the common council in such penalty as said common council shall have directed, conditioned for the faithful performance of his duties as city treasurer, and that he will account for and pay over all moneys received and collected by him at any time to the proper officer appointed to receive the same, which bond shall be duly acknowledged before some officer authorized to take acknowledgments, and the sureties therein shall justify in at least double the amount thereof. If the common council shall approve the form and execution of said bond and the sureties thereto, they

Moneys,  
how to be  
drawn  
from the  
treasury.

To pre-  
pare and  
file  
account of  
receipts  
and pay-  
ments.

Term of  
office.

Village  
treasurer  
to be city  
treasurer  
till first  
Tuesday  
of June,  
1873.

Official  
bond.

To be  
acknowl-  
edged.

To be  
approved  
by com-

mon  
council.

shall cause such approval to be indorsed thereon, and file the same with the city clerk.

## TITLE IV.

### CITY JUDGE AND OTHER CITY OFFICERS, THEIR POWERS AND DUTIES.

Qualifi-  
cations of  
city judge.  
Jurisdic-  
tion of.

SECTION 1. The city judge of said city shall be a person who shall be of the degree of a counselor-at-law. He shall have jurisdiction, exclusive of any justice of the peace, within the corporate limits of said city to issue all criminal process, and all process (other than in civil actions and proceedings), including process in bastardy cases, which a single justice or two justices of the peace in towns are empowered and directed by law to issue; to hear and entertain all complaints and conduct all examinations in criminal cases; to hold courts of special sessions with all the powers and jurisdiction of such courts as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are or may be triable by courts of special sessions, and to hear and determine charges for every misdemeanor committed within said city. He shall possess all the powers and jurisdiction and be subject to all the liabilities of justices of the peace within said city. He shall also have the same jurisdiction and power within the city of Yonkers, as is by law conferred upon the marine court in the city of New York, except in cases of appeal. Actions commenced before said city judge may be removed to the county court of Westchester county, in the same manner as actions commenced in the district courts in the city of New York are removed to the court of common pleas in and for the city and county of New York. The practice in all such actions commenced before such city judge, shall conform as near as may be to the practice in said marine court, but jurors shall be summoned and drawn for trials of issue therein in the same manner as jurors are summoned and drawn in courts of justices of the peace. Judgments shall be rendered before such city

Except in  
cases of  
appeal, to  
have same  
power as  
marine  
court.  
Actions  
before  
him may  
be re-  
moved to  
county  
court.  
Practice  
in actions  
before  
city  
judge.  
Jurors,  
how  
drawn.

Judg-  
ments.

judge in the same manner, and costs and allowances entered in such judgments in the same manner as in said marine court. A transcript of any judgment rendered before such city judge may be filed in the office of the clerk of Westchester county, and when so filed shall have the same effect in all respects, and the same may be enforced in the same manner, and the same proceedings may thereupon be had in all cases as upon the filing of a transcript of a judgment rendered before a justice of the peace. Appeals from judgment, orders or convictions made or rendered by said city judge may be taken to the county court of Westchester county, in the same manner as appeals from judgment or convictions rendered by a justice of the peace. In all civil actions and proceedings before said city judge, his court shall be called the city court of Yonkers. Said city judge shall have power to let to bail persons charged with crime before him in all cases of misdemeanor and in all cases of felony when the imprisonment in the State prison on conviction cannot exceed five years; and shall also have power to administer oaths and take affidavits, to take proofs and acknowledgments of deeds and other instruments in the same manner as justices of the peace; and said city judge shall further have and exercise, within said city, the powers given to a county judge by sections two hundred and ninety-two to three hundred and two, inclusive, and by section four hundred and three of the act entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," passed April eleventh, eighteen hundred and forty-nine, and the amendments thereto, and also all the powers of a judge of the Supreme Court at chambers. In case of sickness, absence from the city, disability or inability of the city judge to act, the mayor shall designate, for the time being, one of the justices of the peace of the town of Yonkers, residing within said corporate limits, who shall exercise in the place and stead of said city judge only such criminal jurisdiction as is conferred by law upon justices of the peace in towns. In case any criminal warrant issued by said city judge shall be returned during his absence from the city or sickness, any further proceed-

Trans-  
cripts of.

Appeals  
from.

City court  
of Yonk-  
ers.

Power to  
let to bail.

To exer-  
cise pow-  
ers given  
to county  
judge by  
sections  
292 to 302  
and 403 of  
Code of  
Pro-  
cedure.

Justice of  
the peace  
to be  
design-  
ated by  
mayor to  
act in case  
of sick-  
ness, etc.,  
of city  
judge.

ings on such warrant may be had before the justice of the peace so designated ; and said justice of the peace having once entered on the trial of an action, or proceeding under this section and not otherwise, may proceed to the determination of it, and shall be entitled to receive the sum of three dollars for every day actually spent in such trial, to be audited, allowed and paid in the manner provided by law. In signing process he shall add to his official title, "acting as city judge." It shall be the duty of the city judge to attend at his office at such hours as the common council shall designate, and to hear all matters within his jurisdiction. He shall demand and receive in all proceedings before him, and for all services rendered by him as such city judge, the fees provided by law, in like cases in the marine court of the city of New York, and all fees and charges which may be legally payable whenever any suit or proceeding pending before him shall be settled or dismissed by consent. All such costs and fees, and all fines imposed and collected by him, and all moneys collected by him, shall be paid to the city treasurer. The city judge shall keep an account of all such fees and fines, and of all criminal business done by him, which, if performed by a justice of the peace, would be a county charge, and shall annually, at the presentation of claims against the county of Westchester, make out and verify his account of all such business done by him against the county of Westchester, and present the same to the board of supervisors of said county, which board shall audit it to the city of Yonkers, and levy and collect the same as other county charges, and when collected cause the same to be paid to the city treasurer. It shall be the duty of any constable and any officers of the police in said city, and they are hereby empowered to serve all process issued by said city judge or officer acting as such. The salary of the city judge shall be at the rate of three thousand dollars per annum.

§ 2. The said city judge shall keep a docket, in which shall be entered, fully, minutes of all business, done by him, as said city judge, as fully as justices of the peace are required to keep a docket by the provisions of law. Such docket shall be and remain the property of the

In signing process to add after official title "acting as city judge."

Fees.

To be paid to city treasurer.

Account to be presented to board of supervisors.

Salary.

Docket.

court, and such docket, or any part or transcript thereof, may be read in evidence in the same manner as a docket or transcript of a docket of a justice of the peace.

§ 3. All dockets and other books kept by said city judge shall at all times be subject to the inspection and examination of the mayor, city attorney, the common council or any member thereof, and it shall be the duty of said city judge to produce such docket or books whenever and wherever the common council shall direct.

Docket and other books to be open to inspection by mayor, etc.

§ 4. The said city judge may be removed from office by the county court of Westchester county, for official misconduct, neglect of, or unfaithful or insufficient performance of any of his duties, on charges preferred by said common council, or a majority of them; but notice of such charge against him, with a copy of such charge, and an opportunity of being heard in his defense, shall first be given, in such manner as said court, or the judge thereof, shall direct; and in case the said city judge shall deny such charges, or take issue thereon, the said court shall proceed to examine and try the whole matter involved in such charges, and shall render judgment, removing such city judge from office, or dismissing the charges against him, as the court may determine.

City judge, how removed from office.

#### STREET COMMISSIONER.

§ 5. The street commissioner, before he enters upon the duties of his office, shall execute a bond to the city of Yonkers, in such sum and with such sureties as the common council shall approve, conditioned that he shall faithfully execute the duties of his office, and account for and pay over all money received by him according to law, which bond, with the approval of the common council indorsed thereon, shall be filed with the city clerk. The powers and duties of the street commissioner shall be such as shall be declared by ordinance, resolution or by-law of the common council.

Official bond of.

Powers and duties of.

§ 6. The assessors of the town of Yonkers shall be the assessors of the city of Yonkers, and also for the several boards of education within said town. Two of said assessors shall reside within the corporate limits of the said city. Said assessors shall, on or before the first day of September, in each year, deliver to the common

Town assessors to be city assessors. Where to reside.

To deliver certified copy

of assess-  
ment roll  
to com-  
mon  
council.

Real  
estate,  
how to be  
desig-  
nated.

Assess-  
ments for  
city and  
school  
taxes to  
be exact  
copies of  
those for  
State and  
county  
taxes.

Errors  
may be  
corrected.

Receiver  
of taxes.

council of said city a true, correct and certified copy of the assessed valuation or appraisement made by them of all the property, both real and personal, liable by law to taxation, and lying or located within the limits of said city; and also to the respective boards of education in said town a true, correct and certified copy of the assessed valuation or appraisement made by them of all their property, both real and personal, liable by law to taxation, and lying and located within the limits of the respective school districts of said board of education.

In said assessed valuations or appraisements, so delivered as aforesaid, all the real estate within the limits of said city or district shall be clearly designated by the street, and location on said street, and by the quantity of land as nearly as the same can reasonably be ascertained. The assessments or appraisements hereinbefore provided to be delivered, shall be exact copies of the assessed valuations or appraisements adopted by the assessors for the levying of State, county and town taxes, and shall be severally adopted by the common council, and by the board of education of the several school districts as the assessed valuation upon which the taxes authorized by law to be raised shall hereafter be levied and imposed. The common council of said city, however, and the board of education of each school district, on receiving from said assessors such copy of the assessment roll, shall have the power, in their discretion, to correct any palpable and manifest error they may find therein, as where property taxable in said city or district is erroneously taxed elsewhere, or where property taxable elsewhere is erroneously included in said roll, or where there has been a change of ownership since the assessment; but they shall have no power to make a new assessment of property already appraised by said assessors.

§ 7. The present receiver of taxes of the town and village of Yonkers, shall be the receiver of taxes for the city of Yonkers, and the provisions of chapter seven hundred and forty, of the Laws of eighteen hundred and sixty-nine, and the amendments thereto shall continue to apply to the said present receiver of taxes and to all receivers of taxes under said act, and shall apply to the

city of Yonkers except as herein otherwise provided; and the bond or bonds heretofore made by the said present receiver of taxes to, and now held by the village of Yonkers, shall be and are continued for the benefit of the successor of said village of Yonkers. In construing said chapter seven hundred and forty, of the Laws of eighteen hundred and sixty-nine, in connection with this act, the words "city of Yonkers" shall be read in place of the words "village of Yonkers" wherever the same occurs therein, and the words "mayor" and "common council" shall be read in place of the words "president" and "board of trustees of the village of Yonkers" wherever the same occurs therein.

Chapter  
740, how  
construed.

§ 8. The present receiver of taxes shall, within fifteen days after the first meeting of the common council, and all future receivers of taxes shall, within fifteen days after receiving notice of his election, take the oath of office and execute a bond to the city of Yonkers, with sufficient sureties, who shall be freeholders within this State, and at least two of whom shall be residents of the city of Yonkers, in a penal sum to be fixed and determined by the common council, conditioned for the faithful discharge of his duties as receiver of taxes, which bond shall be delivered to the mayor, to be approved by him and filed with the city clerk, before said receiver shall collect any taxes or assessments within said city. Such bond shall be lien upon the real estate in the city of Yonkers of the said receiver and his respective sureties, until it shall be canceled and discharged as provided by law. In case any of the sureties of such receiver shall die or become insolvent, the common council may require said receiver to make and file in manner aforesaid, new or additional bonds, in like penalty, and conditioned as before provided. In case such receiver shall neglect to file such additional bond herein first above mentioned, or such new or additional bond, within fifteen days after notice of his being required so to do, he shall thereupon cease to be a receiver of taxes for said city, and in case of vacancy caused by neglect to file the bond the mayor shall appoint by and with the advice and consent of the common council, a

Official  
oath and  
bond.

Sureties.

Bond to  
be a lien  
on real  
estate.

New bond  
to be  
made and  
filed in  
case of  
death or  
insolvency  
of surety.

Failure to  
file new  
bond to  
create  
vacancy in  
the office.

Vacancy,  
how  
filled.

person who shall act as receiver of taxes and assessments for said city, under the provisions of chapter seven hundred and forty of the Laws of eighteen hundred and sixty-nine, and the amendments thereto, so far as the same shall be applicable to said city, until the election of a receiver of taxes and assessments at the next general election thereafter for the election of a receiver of taxes, under the Laws of eighteen hundred and sixty-nine.

Office,  
where to  
be kept.

Office  
hours

§ 9. Such receiver shall have an office within the limits which were prescribed by law as the corporate limits of the village of Yonkers, and shall thereat receive payment of taxes and assessments. Such office shall be kept open daily (Sundays and legal holidays alone excepted) from nine o'clock A. M. until four o'clock P. M., and for thirty days after receipt by him of any warrant for collection of taxes from eight o'clock A. M. until eight o'clock P. M., of each aforesaid day.

Warrant,  
when re-  
turnable.

§ 10. The warrant for the collection of taxes and assessments shall specify the time when such warrant shall be returned, which time may be extended by a resolution of the common council.

Returns to  
be made  
to city  
clerk.

§ 11. Such receiver shall make returns to the city clerk of all unpaid taxes and assessments in the same manner as, by law, town collectors are required to make returns of taxes to the county treasurer, and in such other manner as is herein provided, and such return shall in all cases be made within thirty days after the time limited or extended in each respective warrant to him issued for the collection of any tax or assessment.

On first  
Tuesday  
of July to  
present to  
mayor  
detailed  
statement  
showing  
receipts  
and pay-  
ments and  
also certi-  
fied copy  
of re-  
turns of  
unpaid  
taxes.

Mayor to  
examine  
accounts  
and audit  
same.

§ 12. The receiver of taxes shall, on the first Tuesday of July of every year, present to the mayor a detailed statement of all his accounts, showing all the moneys received or collected by him for taxes or from assessments, and the payment by him of moneys to the city treasurer, which account shall be verified by his oath; also a certified copy of his returns of unpaid taxes and unpaid assessments made by him since the last previous rendering of an account; also, vouchers for all moneys paid by him to the treasurer; and the mayor shall examine the same, and if the same shall be correct, and if it shall be found that such receiver has paid over all moneys received by him, except commissions, as pro-



vided in section fourteen of this title, and has made a correct and full returns of all unpaid taxes or assessments as required by this act, and that such account is substantially a compliance with this section, may audit the same by indorsement to that effect upon the back thereof, and shall annex such papers together and file the same with the city clerk; and upon the making, auditing and filing as aforesaid of such accounts of such receiver, the same shall operate to discharge and cancel and release the sureties from all liability to the said city, up to and including the date of such account, upon the bond or bonds of such receiver, and if the receiver rendering such account shall on the day of the rendition thereof go out of office as such, then the making of such account in manner aforesaid, with the papers accompanying the same as aforesaid, and the auditing and filing the same as aforesaid, shall operate to discharge and cancel the bond or bonds to said city of such receiver absolutely.

Papers to  
be filed.

Effect of.

## TITLE V.

### OF THE COMMON COUNCIL.

SECTION 1. The mayor and aldermen of the city shall constitute the common council thereof. It shall also meet on the first day next after the annual election in each year. The common council shall hold its first meeting at the hall of the board of trustees of the village of Yonkers, on the Tuesday succeeding the first election under this act. At such meeting the common council shall determine by lot which of the aldermen elected in each ward shall hold his office only till the next annual election, and make and file in the city clerk's office a certificate of such determination, and the term of office of the aldermen so designated shall terminate on the first Tuesday next after the succeeding annual election, and thereafter there shall be only one alderman elected in each ward at annual elections. The mayor, when present, shall preside at the meetings of the common council. The common council shall, at its annual meeting, elect by ballot one of their number to be designated as the president of the common council, who shall preside at the meet-

Common  
council.

Annual  
meeting.

First  
meeting.

To deter-  
mine by  
lot alder-  
men to  
hold till  
next  
election.

Mayor to  
preside.

President  
of the  
common  
council.

When to  
act as  
mayor.

ings when the mayor does not preside, and who. in case of the absence from the city of the mayor, or his inability to perform the duties of his office by reason of sickness or any other cause, shall act as mayor, and shall as such have and exercise all his rights, powers, privileges and duties. In case of vacancy in the office of mayor he shall act as mayor until a mayor shall have been elected at the next annual election and duly qualified.

Mayor to  
vote only  
in case of  
a tie.

§ 2. In the proceedings of the common council each member present shall have a vote except the mayor, who shall vote only in case of a tie.

Meeting  
to be open  
to the  
public.

§ 3. The sittings of the common council shall be public, except when the public interest shall require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times to public inspection.

Minutes.

Quorum.

§ 4. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessments shall be ordered, nor any appointment be made, except by a concurrent vote of a majority of all the members in office. The common council shall hold its annual meeting on the Tuesday succeeding each annual election; stated meetings shall be held at least once in each month.

Rules,  
etc.

§ 5. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, to expel from their body and from his office any alderman who may be disorderly and transgress the rules of such body, and in other lawful cases; to revoke or cause to be revoked any license given under this act; to prescribe the duties and fix the compensation or salary of all officers and persons appointed by them, where the same is not otherwise provided for by law, which compensation shall not be diminished during the term of office of such officer or officers, and to remove any of the constables elected under this act, or any officer appointed under this act, except the receiver of taxes, for incapacity, neglect of duty or official misconduct, after

Licenses  
may be  
revoked.

Salaries.

Officials  
may be  
removed  
by com-  
mon  
council.

giving such officer or officers notice and opportunity to refute such charges.

§ 6. The common council shall have the power:

- |   |  |
|---|--|
| 1. To see that the officers and employees of the city perform their duties faithfully and correctly, and to cause measures to be taken to punish neglect of duty by any of them.  | <b>Powers.</b><br>To see that officers and employees perform their duty. |
| 2. To fix the amount and decide upon the sufficiency of the sureties in the official bond of every officer from whom they may require security, and to require additional security from any such officer where they may deem it necessary, and to suspend him until it is given.  | To decide upon sufficiency of sureties to official bonds.                |
| 3. To prescribe the manner in which the treasurer shall, subject to the provisions of this act, keep the accounts and vouchers of his office; and also in which the clerk shall keep the records and papers of the city, and to examine such accounts, vouchers and records from time to time, in order to detect errors therein. | To prescribe manner in which treasurer's accounts shall be kept.         |
| 4. To examine all accounts and claims against the city, and to allow such as are just and legal.  | To audit accounts.   |
| 5. To adopt and use all legal and requisite means for the collection of all taxes and assessments, including those for the expenses of making and repairing sidewalks, sewers, and for local improvements, and for abating nuisances.   | To use legal means to collect taxes, etc.                                |
| 6. To provide for the care, custody and preservation of the public property, records and papers of said city, and to sell, lease or otherwise dispose of such property as shall not be required for the public use, and to procure insurance against fire upon any of the public property, if they deem proper.                   | To provide for care of city property.                                    |
| 7. To purchase the necessary ground for and to erect buildings thereon necessary for public use, provided the necessary funds for such purpose shall have been voted at a special election of the tax-payers, to be held as the common council may provide by ordinance.  | To erect buildings for public use.                                       |
| 8. To regulate, prohibit or determine the places and times of bathing in the rivers, canals or ponds within the city.   | To regulate place and time of bathing.                                   |
| 9. To make and carry into effect rules and regulations, to regulate the burial of the dead, to direct the keeping and returning of bills of mortality, and to   | Burial of the dead.  |

compel all physicians, under a penalty, to file with the city clerk a certificate of the death of any person dying in said city, while under the charge of such physician.

Planting  
of shade  
trees.

10. To compel, direct and regulate the planting and trimming of shade and ornamental trees along the streets and sidewalks and in the parks and public grounds of said city, and to prevent the injury or destruction of such trees or the injury or defacement of fences, posts and buildings in said city.

Sealers of  
weights  
and mea-  
sures.

11. To appoint a sealer and examiner of weights and measures. Such examiner shall have the power, at all reasonable and proper times within business hours, to inspect and examine the weights and measures used in the limits of said city, and who shall have the right to enter any store or building in said city for the purpose of such inspection or examination. Their duties and mode and rate of compensation shall be more particularly prescribed by the said common council by ordinance.

Weighing  
hay, coal,  
etc.

12. To regulate and prescribe the places of weighing hay and straw, wood, coal and other commodities and of marketing the same, to appoint weighers and measurers and limit their fees, to prohibit and prevent the offering for sale of any such commodities in any public street of said city without the same having been weighed or measured, and to require such weight or measure to be made known to purchasers, as the common council may prescribe.

Stage  
drivers.

13. To prevent runners, stage drivers and others from soliciting passengers and others to ride or travel in any stage, omnibus, boat or upon any railroad, or to go to any hotel or otherwise, except under such regulations as the common council may prescribe.

Cabmen,  
carriers,  
etc.

14. To license, regulate and control all porters, cabman, hack or cabmen, carriers, teamsters, expressmen, horse cars, stages or omnibuses, or other vehicles for the transportation of passengers or merchandise within the city, and to fix and regulate their rates of compensation, to require them to have licenses, to prescribe the amount to be paid therefor, to revoke the same, to require drivers to wear badges, and to prohibit unlicensed persons from acting in either of such capacities.

15. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances for money within the bounds of the city; or, if the common council deem advisable, to license the same on such terms as they may think proper.

Exhibitions.

16. To regulate and limit the time, mode, manner and place of holding auctions or public sales of merchandise and all personal property, and to prohibit such sales on any of the sidewalks, streets or crosswalks of the city; to require all auctioneers to obtain a license from the city, to license sales at auction in said city of goods belonging to persons not resident therein, or which goods shall have been purchased with intent to sell the same at auction, and to prevent such sales without license; also requiring any resident of said city, owning any such goods, to be examined on oath before the city judge touching any violation of any such ordinance thereto; to require the payment to the city of not exceeding ten per cent. upon the amount of such sales, and to require security therefor as a condition of the license, and to require account of such sales to be rendered to the treasurer of the city.

Auctions.

17. To determine and prevent the existence of a public nuisance in any part of the city and to compel its abatement, and if not abated within such time as the common council may allow, to cause the same to be abated by their warrant to any officer or member of any police force in the city and to declare the expense to be a lien upon the lot, and to enforce the collection thereof by leasing or selling the premises in such manner as it shall determine, or by action against the owner of the lot or any person who may have erected or maintained such nuisance, and to prevent, restrain, remove and abate nuisances generally.

Nuisances, abatement of.

18. To prohibit any person from bringing or depositing within the limits of said city the dead carcass of any horse or dog, and from bringing or depositing within said limits any putrid carcass of any animal or any other unwholesome thing.

Dead and putrid carcasses of animals.

19. To require the removal of any putrid meat, fish, hides or skins, or any decaying substance of any kind,

Putrid meat, etc.

by any person owning or occupying the premises on which the same may be, and in case of his default to do so to cause the removal thereof.

Gunpow-  
der, etc.

20. To regulate the manner of carting, carrying, keeping and storing of gunpowder, kerosene, petroleum and other combustible and dangerous materials, to prevent the manufacture thereof, and to regulate the use of candles and lights in livery and other stables and out-buildings.

Pestilential  
diseases.

21. To require and cause the removal from thickly inhabited parts of the city of all persons having contagious, infectious or pestilential diseases.

Slaughter-  
houses.

22. To regulate and direct the location of all slaughter-houses and places where cattle, sheep and swine may be slaughtered, and to prohibit the slaughtering thereof in any place other than those so designated or directed.

Soap fac-  
tories, etc.

23. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stall stable, barn, privy, sewer, slaughter-house, skin factory or other unwholesome or nauseous house, ditch, pond or place, to cleanse, remove, abate or discontinue the same, whenever the same may be necessary for the health, comfort or convenience of the inhabitants of said city.

Swine,  
keeping of.

24. To prescribe where in said city, or within what distances from any street or dwelling-house, or within what boundaries of said city, swine shall not be kept, or to prohibit altogether the keeping of swine within the limits of said city.

Markets.

25. To establish and regulate a market or markets in said city, to restrain and regulate the sale of meats, fish and vegetables within said city, to license under the seal of the mayor annually butchers and market-men, to determine whether any proposed location or private market will or not be detrimental to the public interest, and, at discretion, to grant or refuse leave to any applicant to open a market for fish or meat at any particular point in said city.

Victual-  
ing-  
houses,  
etc.

26. To regulate petty grocery shops, keepers of ordinaries or victualing-houses, places where fruits, oysters or clams or cut meats are sold, and to grant

licenses for saloons and respectable eating-houses, not kept as inns, taverns, or hotels, and to regulate all such establishments.

27. To make such regulations and ordinances as they may deem proper to restrain, arrest and punish vagrants, mendicants, common prostitutes, gamblers and disorderly persons, and persons selling or giving away (except duly licensed) any strong or spirituous liquors, ales, wine or beer.

Vagrants,  
etc.

28. To prevent and punish the selling or giving away to be drank of any intoxicating liquors to any child or youth under sixteen years of age, without the consent of his parents or guardian.

Intoxi-  
cating  
liquors,  
selling  
of to  
children.

29. To prevent and punish the adulteration of wines, liquors, ale, drugs and provisions sold or exposed for sale in the said city.

Adulte-  
ration of.

30. To regulate, restrain, suppress or provide for the licensing of billiard tables, bowling alleys and pistol galleries.

Billiard  
tables,  
etc.

31. To prohibit, suppress and restrain gaming and gambling-houses, disorderly houses and houses of ill-fame, and all places of prostitution, and punish the occupants thereof.

Gambling  
houses,  
etc.

32. To preserve the public peace and good order.

Public  
peace.

33. To prohibit the gathering or assembling of persons upon the public streets of said city, or congregating upon the corners thereof, and to authorize the police officers of said city to disperse all such gatherings or assemblages of persons; and upon the refusal of persons so congregated or assembled to disperse, when commanded so to do by any police officer of said city, under regulations to be prescribed by the common council, such police officers may make summary arrest of any person or persons so refusing, and to bring him or them before the city judge of said city, to be by him tried as disorderly persons, and punished as such, and all such persons are hereby declared to be disorderly persons.

Public  
gathering  
upon  
streets,  
etc.

34. To construct and regulate reservoirs, hydrants, water-pipes, public pumps and wells, and to prevent unnecessary use or waste of water of the same.

Reser-  
voirs, etc.

Muzzling  
dogs.

35. To make regulations and ordinances for confining and muzzling dogs, and for destroying such as may be found running at large contrary thereto, or when, in the judgment of the common council, the same may be dangerous or ferocious in any degree.

Cattle  
running at  
large.

36. To restrain the running at large and pasturing on any of the public streets of cattle, horses, swine, goats and sheep, and all other animals, and all geese, fowls and domestic poultry, and to authorize the distraining, impounding and sale of the same for any penalty incurred thereby, and all costs and proceedings in regard thereto, and to cause any such animals to be impounded and sold, as may be provided in the by-laws, and to satisfy such penalty and the expenses, and the owner of any such animal shall be liable to such penalty.

Pounds.

37. To erect and establish a public pound or pounds, and to appoint keepers thereof, and to prescribe the fees and duties of such keepers, and the mode and manner of impounding and selling animals, geese and other things impounded.

Names of  
streets,  
etc.

38. To give names to streets, and numbers to lots and tenements, and to change the same, and to compel the owners of buildings to number the same; to cause the boundaries of the city and the streets to be surveyed and maps of the city to be made and lithographed. To prohibit or permit building materials to be deposited on the street in front of any lot to such extent and for such time as they may prescribe, and to prescribe penalties for the deposit thereof without such permission, and to make general rules and ordinances in regard thereto, and to regulate the moving of buildings through the streets.

Building  
materials  
in front of  
lots, etc.

Incum-  
bering  
streets,  
etc.

39. To prevent the incumbering of the streets, squares, sidewalks, crosswalks, lanes and alleys, with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood or any other substance or material whatsoever. To prohibit the erection of and to cause building, stoops, gates, cellar-doors, areas, stairs, or descent or ascent into any buildings and other structures encroaching on the streets, alleys, bridges, docks, wharves, public squares, parks or grounds, side-



walks or crosswalks of the city to be removed at the expense of the owners or occupants thereof; to make such expense of removal a lien on the lots, and to issue warrants against any such owner or occupant; to collect the necessary expenses of such removal as assessments and taxes are collected; provided, that before any order or adjudication is made directing the removal of any such building, stoop or other structure, notice shall be given to the occupants of the premises upon which the same is situate, and an opportunity to be heard thereon before said common council; and in case of the removal thereof by the city, a certificate filed by the treasurer, stating the expense of such removal, signed by the mayor, shall make such expense a lien on the lot.

Expenses of removal lien on lots.

40. To compel the owner or owners of any lot of land, or any pieces or parcels of land situate within the limits of said city, to excavate, fence, drain, or to fill in the same in such manner, and within such time, and under such penalties and conditions, as the said common council shall by ordinance require, at the expense of the owners thereof.

Fencing, excavating and draining lots.

41. To prevent driving or leading of horses, teams, cattle, swine or other animals on any sidewalk in said city.

Leading horses, etc., on sidewalks.

42. To direct the making, curbing, repairing, macadamizing, paving, graveling, and flagging any of the streets, alleys, sidewalks and crosswalks of the city, and to direct the making and repairing of railings at exposed places in the streets of said city.

Paving streets and sidewalks.

43. To prohibit horse-racing and immoderate driving in the streets, to regulate the speed at which persons may drive on the streets and bridges, and to enforce the same by suitable penalties.

Horse racing.

44. To regulate and prevent ball-playing, the flying of kites, rolling of hoops, sliding down hill on sleds or otherwise, firing off of any fire crackers or other fireworks, the ringing or tolling of bells, blowing of horns, hawking or crying of merchandise, the beating of drums, discharging guns or pistols or the making of any unnecessary noise or any other practices having a tendency to frighten horses, annoy travelers, passengers,

Ball-playing, etc.

citizens, or the sick, or which may tend to disturb the peace of the city.

Cleaning  
side-  
walks,  
etc.

45. To compel every person to clear the ice, snow and dirt from the sidewalks and gutters in front of the premises owned or occupied in whole or in part by such person; and to clear the dirt from the streets in front of the same, and when such street is paved, to compel the placing of the dirt in heaps for removal, as they shall direct.

Lighting  
streets.

46. To provide and contract for the lighting of the streets and public buildings of said city, or of such as the common council deems necessary, and to protect and preserve the public lamps, gas pipes and fixtures, and to punish those injuring the same, and to assess and collect from the real estate within the lamp districts the amount required under the provisions of this act.

Piers and  
wharves.

47. To build, and maintain, and regulate the use of a public pier or piers, wharf or wharves, in any of the navigable waters within said city, upon such land or lands under the water as shall be purchased by said city, or such as is or may be granted to said city. To provide against, and for the removal of, all obstructions to the landing of steamboats at their customary and usual docks and places of landing; to establish the rates of wharfage and dockage, and to prevent and remove all incumbrances thereon and all obstructions thereof; and to prevent the throwing into the waters adjacent thereto of any thing that shall prevent or interfere with the use of any such dock, wharf or pier; and to provide for the removal and sale of all articles and things whatsoever that shall incumber said wharves, docks and piers.

Dockage,  
rates of.

Landing  
of steam  
boats  
making  
pleasure  
excursions.

48. To prevent the landing within said limits of any steamboat or barge while making an excursion of pleasure from the city of New York, or elsewhere, or of any passenger or passengers from the same, or to permit such landing only on such terms and under such restrictions and penalties as the said common council shall prescribe.

Attorneys,  
etc., in  
defense or  
prosecution  
of  
suits.

49. To appoint or employ an attorney or attorneys or counsel for the prosecution or defense of any suit or proceedings by or against the city, or the transaction of any business of the city requiring professional legal skill,

and who shall perform such duties as the common council may from time to time direct, and hold such position during their pleasure.

50. To cause prosecution upon any contract or liability in which the city is interested, or for fines and penalties imposed by this act, or by any by-law, and enforce the collection thereof. To restrain and prohibit the sale or offering for sale in said city of prize packages of merchandise in any form, having a value which is uncertain, and depending upon some unknown quantity of money or other property said to be concealed or contained therein or therewith, and the offering for sale or selling of such packages is hereby declared to be a misdemeanor.

To prosecute upon contracts and for fines, etc. Prize packages, sale of.

51. To designate two public newspapers published in said city, in which all notices and papers and proceedings required by law to be published shall be published, and to provide for the publication of the laws and ordinances of the city; and in case of the refusal of such newspapers to publish any notice or ordinance or other matter required to be published, for the fees allowed by law, then any such notice may with like effect be published in any other newspaper in said city, or the same may be published by printed handbills posted in at least four public places in each ward of said city.

Newspapers to be designated to publish ordinances, etc.

§ 7. Printed or written copies of all or any of the ordinances, by-laws, rules, regulations or resolutions passed by the common council pursuant to authority vested in them, may be read in evidence in any court in this State when attested by the mayor or clerk under the seal of the city to the effect that the same are true copies thereof.

Evidence.

§ 8. All penalties, forfeitures, fines, or claims due to the city, when received by the city judge or any justice of the peace, shall be paid by him to the treasurer within one month after their receipt by such officer. Whenever execution shall be issued by the city judge or a justice of the peace upon any judgment in favor of the city, the same shall be returned by the officer receiving the same to the city judge or justice who issued it, on or before the return day thereof, and if any such officer shall neglect to return the same, the city judge or

Fines, etc., recovered to be paid to city treasurer.

Return of executions issued on judgment in favor of city.

What  
officers  
only to  
receive  
penalties.

Violations  
of ordi-  
nances,  
etc., may  
be re-  
strained  
by injunc-  
tion.

Not to  
donate  
money.

Members  
of, not to  
be inter-  
ested in  
work done  
for or sup-  
plies fur-  
nished  
city.

Arrests  
without  
process.

Common  
council or  
any com-  
mittee  
thereof  
may sum-  
mon wit-  
nesses  
before  
them.

Refusal or  
neglect to  
appear,  
how pun-  
ished.

justice shall report the fact to the mayor, who may cause a suit to be brought against the officer for the default, and the measure of damages in such suit shall be the sum directed to be collected by such execution. No officer of the city shall receive any penalty or forfeiture due to the city for the violation of any ordinance, by-law, resolution, or regulation, except the treasurer of the city or any officer having power by execution to collect it.

§ 9. Violations of any ordinance, by-law, rule, regulation or resolution adopted in pursuance of this act, may also be restrained by injunction to be granted by any court or officer having power to grant injunctions, but no undertaking thereon shall be required on the part of the city.

§ 10. It shall be unlawful for the common council to donate any moneys to any purpose whatever.

§ 11. No member of the common council shall, while holding such office, be appointed to or competent to hold any office of which the compensation is paid by the city, or be interested in any work done or supplies furnished in pursuance of any action of the common council.

§ 12. It shall be lawful for the mayor, any alderman, supervisor or street commissioner, and it shall be the duty of any member of the police force in said city, to arrest without process, detain, and take before the city judge of the city (or officer acting as such) every person whom they, or any of them, shall find committing a violation of any ordinance of the city; any person offending against any ordinance of the city, upon conviction thereof, may be punished by fine or imprisonment as herein provided.

§ 13. The common council and any committee thereof shall have power to issue a summons to any person to appear and testify before them in respect to any matter pending or referred to them. Such summons may be served at any place within the county of Westchester, in the same manner as subpoenas for witnesses in criminal cases. Any person who shall refuse or neglect to attend in obedience to any such summons, may be arrested by an order or attachment which may be issued

by the mayor or city judge upon proof of the service of such summons and such refusal, and brought before the officer issuing such warrant, who, after hearing the proofs offered, if he shall adjudge the accused guilty of such disobedience, may commit him to the county jail or other place of detention until he shall appear and testify as required. Such witness so refusing to attend may also be fined and imprisoned for disobedience of such summons by the mayor or city judge, in the same manner and to the same extent as witnesses refusing to attend in obedience to a subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness before said common council, or any committee thereof, shall refuse to be sworn or affirmed, or to answer any pertinent or proper questions, the mayor or presiding officer of said council, or the chairman of said committee, may forthwith commit such person to the county jail or other proper place of detention for a period not exceeding twenty days, or until he shall be sworn or affirmed or answer such questions. Such commitment shall be made by warrant, directed to the sheriff of the county or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement as directed hereby.

Refusal  
to be  
sworn  
and ex-  
amined,  
how pun-  
ished.

§ 14. The common council shall have power to do all acts, matters and things necessary for carrying into effect any resolution, ordinance or other proceedings which by this act they are authorized to adopt; and the common council may make, publish, ordain, amend and repeal all such ordinances, by-laws and public regulations not contrary to any law of this State, as may be necessary to carry into effect the powers given to said common council by this act, and enforce observance of all rules, regulations, resolutions, ordinances and by-laws made in pursuance of this act, by imposing penalties on any person or persons or corporations violating the same, not exceeding in any one case of violation one hundred dollars, to be recovered with costs in a civil action in the "city court of Yonkers," and in default of payment by imprisonment of such person or persons in the county jail of Westchester county, in the same manner as to

General  
powers of  
common  
council.

Rules,  
ordina-  
nces,  
etc.

Publication of ordinances, etc., imposing penalties.

Proof of.

Personal service, effect of.

causes in action when execution may be issued against the person. Every such ordinance or by-law or resolution imposing any penalty or forfeiture for a violation of the same, or of any ordinance or by-law or resolution, shall, after its passage, be subscribed by the city clerk and indorsed by the mayor, and published at least once in each week for two weeks successively in the city newspaper printed in said city; and proof of such publication by the affidavit of the printer or publisher of such paper, or the foreman in the office of such paper, taken before the mayor of said city or before any officer authorized to administer oaths, and filed by the city clerk, or any other competent proof of such publication, shall be evidence of the legal publication of such by-law or resolution in all courts and places.

§ 15. Personal service of any ordinance, by-law, rule or regulation, passed as aforesaid, shall, in the case of the person so served, be equivalent to due publication thereof.

## TITLE VI.

### OF THE ASSESSMENT, LEVYING AND COLLECTING OF TAXES.

Taxes, upon what property to be assessed.

§ 1. The common council are authorized and empowered to raise money by tax, to be assessed upon the property real and personal liable to taxation within said city, and upon the stockholders of banks and banking associations organized under any act of Congress or law of this State, and located within the city of Yonkers, and to be collected from the several owners of any real and personal property and from such banks or banking associations, not to exceed in any one year as follows:

Amount for contingent expenses.

1. To defray the ordinary and contingent expenses of said city and for highways and bridges, not exceeding fifty thousand dollars.

Principal and interest of city debt.

2. For principal and interest on the indebtedness of said city the actual sum falling due within the ensuing year.

Other sums.

3. Such other sums as may be or are authorized by law.

Proceedings in case of

§ 2. Whenever any person or corporation upon whose estate or property shall have been assessed, pursuant to

the provisions of this act, any tax, shall neglect or refuse to pay the same, and no personal property can be found whereon the same can be levied, the receiver shall certify and make return thereof, and file the same in the office of the city clerk, and the common council thereupon are authorized to cause the land or estate on which such tax is assessed, to be sold at public auction for a term of time, for the payment of such tax, giving three weeks' notice of such sale by advertisement in the city newspaper published in said city, which notice shall contain a brief description of the premises, the amount of the tax, requiring the owner or owners to pay the same by a day therein specified, a copy of which notice shall be served by the city clerk on each of said owners, on or before the day of the first publication thereof, by leaving the same at his place of residence, with some person of suitable age to receive the same, or by depositing the same in the post-office, in said city, addressed to such owner, if known, at his last known place of residence, and paying the postage thereon. If such tax be not paid at the time and place specified in such notice, the real estate so advertised shall be sold under the direction of the common council, by some person for that purpose appointed by the common council, to the person who shall offer to take it for the shortest term for the payment of such tax and the interest and commissions thereon, and the expenses of such notice and sale. The proceedings shall be discontinued at any time before sale, upon any person paying to the city treasurer the amount of such tax, the fees and expenses, with the interest, commissions and printer's bill, and if the premises are sold, two dollars in addition to the interest, commissions and printer's bill may be charged to the expense of such sale; and if the premises are not redeemed within one year from such sale, the common council shall direct, and the mayor shall execute to the person or persons entitled thereto, a lease of the premises so sold, under the corporate seal and signed by the mayor, for the time being, for the term for which the same were sold, to be computed from the expiration of one year from the day

refusal or neglect to pay tax and no personal property can be found.

Copy notice to be served.

How served.

Tax sale.

Interest to be sold.

Proceedings to be discontinued upon payment.

When lease to be executed.

**Evidence.** of such sale, which lease shall be presumptive evidence that such tax was legally imposed, and of the regularity of the proceedings and sale, for which the common council may charge two dollars on delivery thereof to the purchaser; and such lessee or lessees, his, her or their legal representatives or assigns, may, by virtue of such lease, obtain possession of said premises in the manner prescribed by law in relation to persons holding over real estate sold under execution, and shall and may lawfully enjoy such premises during the time specified in such lease against the owners thereof, and all persons claiming under them, and shall be at liberty, within thirty days after the expiration of said term, to remove all buildings and fixtures put on said premises during said term in the right of such occupancy. Certificates of such sale shall be issued under the corporate seal, and signed by the mayor, setting forth the facts and circumstances of said sale, and the time at which such purchaser will be entitled to such lease, and such certificate shall be delivered to such purchaser. Such certificate shall be recorded in the city clerk's office, in proper books kept for the purpose, and no assignment of such certificate shall have any effect until notice of the same, with the name and residence of the assignee, shall be filed in said office. But the title of the purchaser of any real estate, at any time hereafter sold for arrears of unpaid taxes or assessments, under any of the provisions of this act, shall not become absolute as against any owner or mortgagee of the lands so sold, whose conveyance or mortgage is on record at the time of such sale, nor shall such purchaser be entitled to a lease of such land until he shall have given at least sixty days' notice of such purchase to such owner and mortgagee, or to any person found in possession of the land sold, which notice shall be in writing, specifying the property sold, the tax or assessment for which it was sold, and the amount thereof; and such notice shall be served on such owner or mortgagee in person, if they reside in Westchester county, or a county adjoining thereto, and if not residing in such county, by depositing such notice in the post-office in said city, inclosed and addressed to such owner or mortgagee at their last

**Possession, how obtained.**

**Fixtures.**

**Certificates of sale.**

**To be recorded.**

**Title of purchaser not to become absolute as against owner or mortgagee until after sixty days' notice.**

**Notice, how to be served.**



known residence or place of business, and paying the postage thereon. Within thirty days after service of such notice, a copy thereof shall be filed in the city clerk's office, with an affidavit of some person, certified by the officer before whom such affidavit is taken, to be a creditable person, proving the due service of such notice in manner and form as above required. At any time after such sale, and within ninety days after service or mailing of such notice, the owner, mortgagee, occupant or other person interested in such land, may redeem the same by paying to the city clerk, for the use of such purchaser, the purchase money paid by him, and any other tax or assessment on the same lands which he may have paid, and of which he has filed a notice in said office, together with fifteen per cent. per annum in addition thereto; and the receipt of said clerk, sealed with the seal of said city, stating such payment, and showing what land is thus redeemed, shall be legal evidence of such redemption; and the moneys so received shall be refunded to the purchaser, his legal representative or assigns, on demand.

Proof of  
service to  
be made  
and filed.

When  
owner or  
mort-  
gagee  
may  
redeem.

Evidence  
of re-  
demption.

§ 3. The person or corporation in possession as tenants of any real estate, shall be liable to pay the taxes assessed thereon, and shall have the right to collect the amount of the owner, unless by agreement the occupant is bound to pay the same.

Persons in  
possession  
liable for  
tax.

§ 4. Every inhabitant in said city having in his possession or under his control, within the bounds of said corporation, any real or personal property, as trustee, guardian, executor or administrator, shall be deemed a taxable inhabitant to the amount thereof, within the meaning of this act, except as to the right of voting at any election, and may charge the tax, when paid, against the estate of which he is a trustee, guardian, executor or administrator.

"Taxable  
inhabi-  
tant" de-  
fined.

## TITLE VII.

### HIGHWAYS, LAMPS, WALKS, STREETS, IMPROVEMENTS AND ASSESSMENTS THEREOF.

SECTION 1. The common council shall possess all the powers given by law to the commissioners of highways of towns within the limits of said city, and shall be

Common  
council  
to have  
same  
power as

highway  
commissioners.

City clerk  
to per-  
form  
duties of  
town  
clerk.

City to be  
a separate  
road  
district.

Common  
council to  
cause  
streets,  
etc., to be  
laid out,  
bridges to  
be built,  
etc.

Public  
squares  
to be  
opened,  
etc.

Lamp  
posts,  
lamps,  
cisterns,  
etc.

Sewers,  
etc.

Expenses  
to be  
assessed  
and be a  
lien on  
property  
benefited.

Separate  
lamp dis-  
tricts.

When  
petition is  
presented  
notice to  
be given

under the same obligations to keep roads and bridges in repair and be subject to the same liabilities in respect thereto, as commissioners of highways, and the expenses thereof, except as herein otherwise provided, shall be raised by tax by the common council. In all proceedings by the common council as commissioners of highways, the city clerk shall perform all duties required by law to be performed by a town clerk. Said city is hereby declared a separate road district, exempt from the superintendence and control of the commissioners of highways for the town of Yonkers.

§ 2. The common council shall have power, under the restrictions hereinafter mentioned, to cause streets and avenues to be laid out, opened, extended, straightened, altered, widened, regulated, re-regulated, graded, re-graded, paved and re-paved (none of which shall be construed as repairs); streams and rivers within the limits of said city to be bridged for the purpose of connecting streets and highways, with suitable draws thereto, when required for the purpose of navigation; culverts and bridges to be built, sidewalks to be flagged, and curb and gutter stones set; and to cause public squares and parks to be opened, extended, regulated, ornamented and protected, and streets and avenues to be kept in repair, and from time to time to be repaved and sidewalks re-flagged, and curb and gutter stones to be re-set at the expense of the adjoining owners; to provide that lamp posts and lamps be erected and lighted and cisterns made for the purpose of furnishing water in case of fire; to cause sewers and drains, and wells and pumps to be constructed and repaired, and generally to make such other improvements in and about such streets, avenues and squares as the public wants and convenience shall require. The expenses of all such improvements, except for repairs, shall be assessed, and be a lien on the property benefited thereby, in proportion to the amount of such benefit.

§ 3. The said common council shall have the power, if deemed advisable by them, to establish, by ordinance, separate lamp districts within said city. Whenever a petition is presented to the common council for establishing any lamp district, signed by one-third of the persons

owning real estate, situated within the limits of said proposed district, said common council shall cause notice to be published in one or more of the city newspapers that such application has been made, and of the time and place when they will proceed to act on said petition, which shall not be less than thirty days from the first publication of said notice, which notice shall be published once in each week for three weeks successively; and unless a remonstrance, signed by a majority of the persons who will be assessed, shall be presented to them on or before the day specified in said notice, and if they shall deem the application proper, they may, on the day specified in said notice, or as soon thereafter as may be, by resolution or ordinance create and establish such lamp district; such petition shall accurately describe the limits of such proposed lamp district. In giving notice of the pendency of such application, a description of the district shall be inserted in and form part of such notice, together with the number of lamps which the common council propose to erect in such lamp district, their proposed distance apart from each other, their probable cost, and the probable annual expense of maintaining and lighting the same, and the common council shall have the power to increase such number of lamps in any such lamp district by a vote of two-thirds of all its members. In case any such separate lamp districts are established by said common council, the moneys required for the erection, support and maintenance of lamps within such separate lamp districts, shall be thereafter annually raised by tax, to be assessed on and become a lien upon and be collected from the real estate within said district, in the same manner, as near as may be, as by title six of this act is prescribed for the assessment, levying and collecting of taxes within the city limits, but the same shall be assessed and collected by and upon a separate assessment roll as to each lamp district, and by separate warrant, and by separate proceedings, from the collecting of general taxes; but said roll shall be prepared and confirmed, and the tax levied and assessed and collected in the same manner as hereinbefore provided for the making of an assessment roll

of time  
and place,  
etc.

Unless remonstrance is presented the common council may establish lamp district.

Description of proposed district, etc., to be inserted in notice of application.

Tax to support and maintain separate lamp districts to be annually assessed upon real property in such districts.

Separate assessment rolls, etc., to be made.

Districts  
may be  
enlarged  
upon  
petition.

May be  
consoli-  
dated.

May be  
abolished.

Streets,  
etc., to be  
under  
control of  
common  
council  
for pur-  
pose of  
making  
improve-  
ments.

Proceed-  
ings to  
lay out,  
alter,  
etc.,  
streets  
and  
avenues.

for city taxes, and collected in the same manner. Such lamp districts may be enlarged by annexation of contiguous territory, on petition of one-third of the persons owning real estate situated within the territory proposed by such petition to be added thereto, in the same manner as hereinbefore provided for the first establishment of such district; and the expense of erecting lamps in such additional territory, shall be assessed upon the real estate within such additional territory, in the same manner as hereinbefore provided for the expense of erecting lamps in the first established district; and the expense of maintaining and lighting such lamp district shall be defrayed by a general tax upon the whole of said district as enlarged. And the common council shall have the power, whenever in their discretion they shall deem it proper to do so, to consolidate any two or more of the separate lamp districts, so as to make of all or any number of the lamp districts of the city only one district, the expenses of maintaining, which shall be defrayed by a general tax on the whole consolidated district. The common council shall have power at any time to abolish all lamp districts, and to raise the annual cost and expense of maintaining lamps, in the same manner and in addition to the amount hereinbefore authorized to be raised for city purposes.

§ 4. All public streets and squares to be opened, extended, straightened, altered and widened, and bridges over waters, and culverts to be constructed, by virtue of any of the provisions of this act, or to be ceded to, and accepted by, the common council, shall be under the jurisdiction, management and control of the said common council, for the purpose of making the improvements before mentioned, as the public wants and convenience shall require, and for all purposes mentioned in, or necessary for fully carrying into effect all the provisions of this act, and the powers granted by the common council by this or any other act.

§ 5. Whenever a petition for laying out, opening, extending, straightening, altering or widening any street, avenue or square in said city, signed by one-third of the persons owning land situated on the line of the whole street (including the existing street as well as the pro-

posed opening, extending, straightening, altering or widening) shall be presented, the common council shall cause a notice to be published in two of the city newspapers that such application has been made, and of the time, which shall not be less than twenty days after the first publication of such notice, when they will proceed to act upon such petition, which notice shall be published at least once in each week for two weeks successively, and unless a remonstrance, signed by a majority of the persons who will be assessed for the expenses thereof, shall be presented to them on or before the day specified in said notice, they may on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide to allow such improvement to be made. Before giving notice of the pendency of such application, the common council shall fix the limit or district of assessment beyond which the assessment shall not extend; and a description of such limit or district shall be inserted in, and form part of, such notice. If the common council shall deem it proper to permit such improvement to be made, they shall cause application to be made to the county court of the county of Westchester, or to the Supreme Court at a special term held in the judicial district in which said county shall then be situated, for the appointment of three persons as commissioners to estimate and assess the expenses of said improvement, and the amount of damages and benefits to be sustained and derived therefrom by the owners of such lands and buildings as may be affected thereby. Notice of such application shall be published in one or more city newspapers, once in each week for two weeks successively before the day on which the application is to be made. The owners of property liable to assessment shall have the right to nominate to the court, in writing, persons qualified as hereinafter mentioned, to serve as commissioners; and the said court shall thereupon appoint from among the persons so nominated, if any, three persons as such commissioners, who shall be owners of a freehold estate in said city liable to taxation, not situate within the assessment district. The said court may also appoint another or others to act in the place of any one or more of said commissioners

Limit or district of assessment to be fixed.

Application for appointment of commissioners to estimate and assess damages and benefits.

Notice of

Owners may nominate to court persons to serve as commissioners.

Vacancies, how filled.

who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disabled from serving, without notice, upon application of the said common council.

Petitioners liable for all expenses in case common council reject petition. Map to be made. what to show.

§ 6. The persons so applying, and who shall have signed a petition for any such improvement shall be chargeable with, and are hereby declared liable for, all charges and expenses which may accrue on such application, if the same is refused by the common council.

Map to form part of report of commissioners.

§ 7. The common council shall cause a map to be made by a competent surveyor, on which shall be designated, by feet and inches, as near as may be, the several pieces of land and premises necessary to be taken for the improvement, and of any residue of lots or pieces of land within the district of assessment, of which only a part will be required for the same; and also the several pieces of land and premises within the district of assessment laid out by the common council, which said several pieces of land shall be numbered in figures from one upward; and the map aforesaid shall form and constitute a part of the report of the commissioners of estimate and assessment, and shall be deposited with the report for examination with the city clerk.

Commissioners to take official oath.

Power to enter on lands, take proofs, etc.

§ 8. The said commissioners shall be sworn, before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall then proceed with all reasonable diligence to make the estimate and assessment mentioned in the preceding section, and for this purpose they shall have power to enter upon and examine any premises which in their opinion will be affected by the said improvement, to hear the proofs and allegations of the parties interested, at such time and place as they may appoint, and to adjourn from time to time as they may deem proper.

Report, form of.

§ 9. The report of said commissioners shall be made in a tabular form with columns, in which shall be distinctly given the whole expense of the proposed improvement, and the several items thereof, and the number on the map of the pieces of land required for the improvement, and of any residue of lots or pieces of land within the district of assessment, of which only

a part will be required for the same; the number of the pieces of land assessed for benefits, the name of the persons interested in the property taken for the improvement, the amount awarded to the different parties interested in the land and premises required for the improvement, the amount assessed on each piece of land, and on the different interests therein, the balance of award to be received by different parties over the assessment, the balance of assessment to be paid by each individual whose assessment amounts to more than the award, and so many and such different columns and tabular statements as may be necessary to designate the true interests of the parties in the lands and premises required for the improvements, and their liabilities and interests in relation thereto. Provided, however, that it shall be lawful for the commissioners to substitute in their report, for the name of the owner of any lands taken or assessed, the words "unknown owner," in all cases where they shall make and annex to their report and affidavit that, after having made diligent search and inquiry they have been unable to ascertain the name of the owner.

Proviso as  
to un-  
known  
owners.

§ 10. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the said commissioners may, in cases where injury and injustice would otherwise be done, and with the consent in writing of the owner or owners of such lot or lots, include the whole or any part of such residue in their report, briefly describing the same, and separately estimate the value of it. Every such residue or part of residue which shall be so included shall, upon the confirmation of the said report as hereinafter provided; and the payment or tender of the amount at which the same shall be so estimated, to the owner or owners thereof, vest in fee simple in the city of Yonkers, which shall thereupon sell and dispose of the same, at a price or prices not less than the sum at which it shall have been so estimated, to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice, to be determined by the common council of said city, elect to take the same at such price or prices, it shall be disposed of at public auction, upon such notice

Residue  
of lots  
may, by  
consent of  
owners,  
be in-  
cluded in  
report.

Such  
residue,  
when to  
vest in  
city.

How to be  
disposed  
of by city.

Deficiency to be deemed part of general loss and expense. Payment of, how provided for.

as the common council shall deem proper, for the best price or prices that can be obtained for the same. In case the same shall sell at a less sum than that at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment of the amount thereof, the commissioners shall include in the estimate and assessment of the expenses of such improvement, the estimated value of any such residue or part of a residue which may be included as aforesaid in their report, and upon sale of the same as above provided, the proceeds thereof shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

Benefit, in other cases, to be charged upon residue.

Assessment in no case to exceed value of residue.

Where all the land of any person is taken or part only is taken and the damages exceed estimated benefit, damages to be a lien on other lands.

Damages arising from location of street to

§ 11. In other cases in which only part of the land and premises of any person or persons will be required for such proposed improvement the fair estimated benefit to be derived by him, her, or them, in common with others from the said improvement, shall be assessed and be a lien upon the residue of such lands and premises; but such assessment shall in no case exceed the value of such residue and if, in the opinion of the court to whom said report shall be presented for confirmation as herein-after provided, any assessment shall exceed such value, it shall be good cause against confirming the report.

§ 12. Where all the land or premises of any person or persons will be required for the contemplated improvement, or where part only thereof will be required, and the estimate of the damage sustained by the appropriation of such part to the purposes thereof shall exceed the fair estimated benefit which, in common with others, he, she, or they will derive from the said improvement, the amount of estimated damages in the first case and the excess of such estimated damages in the last shall be assessed, and be a lien on other lands and premises, according to the estimated benefit derived by them from the said improvement.

§ 13. The said commissioners shall also estimate in their said report any damages arising from the said improvement which may be sustained by the owner or



owners of any land bounded on a public highway by reason of the location of the proposed street, avenue or square, in such manner as to interpose the land of any other person between such street, avenue or square, and the said highway; and the amount of such estimated damages shall be assessed and be a lien on other lands and premises according to the benefit to be derived by them respectively from the said improvement. The said commissioners shall also in the case of straightening or altering a street where the public use of any part or parts shall be discontinued, make an award to the city for the value of the discontinuance of such public use, and upon payment of the same by the owner of the fee of such part so discontinued to the city treasurer, such part or parts shall be discontinued. The money derived from such awards shall be placed by the treasurer to the credit of the fund in such improvement, which shall be apportioned by the city clerk and allowed and paid to each of the persons assessed in said improvement in proportion to the amount of the respective assessments against them.

§ 14. After said report shall be completed, it shall be deposited by the said commissioners with the city clerk. They shall then cause a notice to be published, that the report has been completed and filed, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice to review their report. During that time the said report may be examined free of expense, by all interested, and at the time and place so specified, any such person may offer objections in writing, to the said report, and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as soon as conveniently may be thereafter, review their said report, and correct the same where they shall deem proper, and shall then file the same with the clerk. The common council shall then cause a notice to be published in one or more city newspapers that the said report has been so completed and filed, and that application will be made on behalf of the said common council, to the county court of the county of Westchester, or to the Supreme Court, at any one of the special terms thereof,

be estimated and included in report.

Benefit arising from discontinuance of street to be estimated and awarded to the city. <sup>4</sup>

Money awarded city, how disposed of.

Report deposited with city clerk.

Notice of completion and filing report to be published.

Report may be examined and objections in writing offered. Review of report.

Notice of filing report and of application to court to have same confirmed to be published.

Copy of  
notice to  
be de-  
posited in  
post-  
office.

Parties in-  
terested  
may  
appeal.

Appeal,  
how  
taken.

Proceed-  
ings on  
appeal.

When  
report to  
be con-  
firmed.

When  
to be re-  
ferred  
back for  
revision.

New  
notice to  
be pub-  
lished.

to be held in the judicial district in which said county shall then be situated, the time to be specified in said notice, and in either case not less than ten days from the first publication thereof, to have the said report confirmed. It shall be the duty of the city clerk, on or before the day of the first publication of such notice to deposit a printed copy thereof in a post-office in the city, prepaying the necessary postage thereon, addressed to each person named in such report as the owner of property assessed for benefit, or in respect to which an award is made for damages, and directed to the residence of such person named in such report. During the said space of ten days the said report shall remain open to the inspection, free of expense, of all persons interested, and any such person may appeal from said report. Such appeal shall be by notice, to be served on the city clerk, within the period last mentioned, and at least six days before the time at which said report is to be presented to the court for confirmation, which notice is to be accompanied with copies of the objections and affidavits which shall have been delivered to the commissioners, and also with a brief statement in writing of the grounds of objection to such report, and of the manner in which it is contended the same ought to be altered.

§ 15. Such appeal shall be heard by the court to which the said report shall be presented for confirmation, at the time the same shall be so presented; copies of the affidavits, which shall have been delivered and served as aforesaid, but no others, may be read against confirming said report, but no cause against such confirmation shall be heard, except an appeal shall have been made in the manner provided in the preceding section of this act. If no sufficient reason shall appear to the contrary to the court, they shall confirm the said report; or if, in their opinion the same ought not to be confirmed, they may refuse to do so, and in the event of such a refusal they shall, in the proper cases, refer it back for revision or correction to the same or other commissioners, who shall proceed to revise or correct the same, and cause a new report to be filed in the office of the city clerk. The common council shall thereupon cause a new notice to be published, in the manner required in the preceding

sections of this act, of the filing of such report, and of their intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in said section, and such appeal shall be proceeded upon, and the said report again disposed of in the manner directed by this section; and as often as any such report shall be referred back for revision and correction, the like proceedings shall be thereupon had as are provided in this section, upon a first reference back to the said commissioners. In cases, however, where the said court shall direct specific alterations to be made therein, and such alteration shall be made in its presence, they may thereupon absolutely confirm the said report without further notice.

Second  
report  
may be  
appealed  
from.

Court may  
direct  
specific  
alteration  
and  
confirm  
report.

§ 16. After the reports of the commissioners shall be confirmed, the said reports shall be delivered to the common council, who shall thereupon be authorized to cause such improvement to be made. The original report shall be filed with the city clerk. The common council shall cause a correct schedule and extract therefrom to be made by the city clerk, and certified by him, in which shall be stated the balance of assessment on each lot, the reputed owner thereof, the number of such lot as shown on the assessment map, the name of the street on which such lot is situate, and its number thereon, as shown by some designated map, and shall deliver such certified schedule and extract to the receiver of taxes, with the warrant issued for the collection of said assessments, in the same form in all respects as for the collection of taxes. The receiver of taxes shall, without commission, receive and collect the several amounts therein assessed against any person, for thirty days after the receipt by him of such warrant. All such assessments as shall be unpaid at the expiration of that period shall be collected by the receiver of taxes, and in the same manner and with the addition of interest and commissions as is herein and by this act provided for the collection of taxes, and he shall make return of all unpaid assessments in the same manner as of unpaid taxes, and upon such return being made and filed in the office of the city clerk, the common council shall be authorized to take the same proceedings as are

After  
confir-  
mation  
improve-  
ment to  
be made.

Schedule  
to be  
made by  
city clerk  
and de-  
livered to  
tax re-  
ceiver.

To re-  
ceive pay-  
ments for  
thirty  
days with-  
out com-  
mission.  
After  
thirty  
days to  
proceed  
and col-  
lect as in  
case of  
other  
taxes.

authorized as to unpaid taxes, in section seven of title six of this act. The said receiver shall pay over to the treasurer all such assessments and interest by him collected, in the same manner and within the same time as he is here n required as to taxes.

Damages  
awarded  
to be paid  
by trea-  
surer  
without  
any de-  
duction

§ 17. The treasurer shall pay to the persons, or to the attorneys or legal representatives of such persons to whom damages may have been awarded in such report, the amount of such damages, without any deduction therefrom by way of fee or commission.

Compen-  
sation of  
commis-  
sioners.

§ 18. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed three dollars for each and every day while actually and necessarily employed in and about their duties, and such compensation, and the fees and charges of surveyors and other persons, shall be part of the expenses of the improvement, and be taxed, or certified and allowed, by the common council, before the same shall be inserted in their report.

Excess, if  
any, to be  
refunded.

§ 19. If the estimate of expenses shall exceed the amount of expenses which shall be actually incurred in making the improvement, such excess shall be refunded or allowed to the persons assessed in proportion to the amount of their respective assessments.

Guardians  
to be ap-  
pointed  
for in-  
fants.

§ 20. In case of opening, widening, extending, altering or straightening of any street, avenue or square, under the provisions of this act, the county court of the county of Westchester, or the county judge thereof, in term or vacation, or a justice of the Supreme Court, shall have power, on application, to appoint guardians for infants, or other incompetent persons, to protect their interests, or prosecute appeals, who shall be entitled to receive ten dollars for their services and attendance before the commissioners, and no other fees or costs, unless upon an appeal, in which case the judge, who shall hear the appeal, shall fix upon the further amount to be allowed by them, if any, and shall certify the same.

Compen-  
sation of.

Costs and  
fees of  
attorneys  
conduct-  
ing pro-  
ceedings.

§ 21. The costs and fees of the attorney in any such proceeding; exclusive of his disbursements, shall not exceed, in any one case, the sum of fifty dollars, except a greater sum shall have been allowed by the common

council, unless on appeal, or when the report is sent back to the commissioners, and, in such case, the judge who heard the appeal may allow such further sum, in addition to the taxed or certified bills, as he may deem just and proper. The common council, by resolution, may also allow such further sum in addition thereto as they may deem just and proper.

§ 22. All assessments for improvements in said city, and all assessments for taxes, when the same shall have been confirmed by the court or by the common council, as provided by this or any other act, shall thenceforth constitute and be a lien on the property assessed from the time of such confirmation, which lien, with interests and expenses thereon, shall have priority over all other liens or incumbrances.

Assessments for improvements to be liens on real estate.

§ 23. The common council shall have power to grade, pitch, level and repair, construct, make, amend or relay (or cause the same to be done) any street, lane, ailey, road or highway, sidewalk, crosswalks, bridges, docks, sewers or aqueducts, either with plank, stone, brick, dirt or gravel, as said common council may determine.

Common council may grade, level, etc., roads, lanes, etc.

§ 24. The regulating, reregulating, grading, regrading, paving and repaving of streets and avenues, or any part or section thereof, the constructing and erecting sewers, drains, wells, pumps, fire cisterns, laying water pipes and hydrants for fire purposes, culverts and bridges over streams and rivers, may be contracted for by the said common council, and the expense thereof shall be apportioned and assessed upon the parties benefited thereby, by commissioners to be appointed as hereinafter directed.

Grading, etc., may be contracted for by common council and assessed upon parties benefited.

§ 25. Prior to the passage of any ordinance for such purpose, the common council shall cause a plain and accurate specification of the work proposed to be constructed to be prepared and placed in possession of the city clerk for public inspection. They shall then cause a notice to be published in one or more of the city newspapers, that on a day therein to be named, at least two weeks from the first publication thereof, the common council will act in relation to the work proposed to be constructed; and in the mean time sealed propo-

Prior to passage of any ordinance an accurate specification to be made.

Notice to be published.

Sealed proposals

to be received.

Limit or district to be fixed and a description inserted in notice.

Opening of proposals.

What proposals to be considered.

Common council to determine the most favorable proposal and may award contract by two-thirds vote To appoint commissioners.

Commissioners to take official oath

To assess expense upon lots benefited.

sals for constructing the work, with bonds for the faithful performance thereof, will be received by the city clerk. Before publishing such notice the common council shall fix the limit or district of assessment, beyond which the assessment shall not extend, and a description of such district shall form a part of such notice. Upon the day mentioned in the notice, or upon such other subsequent day as the common council may adjourn to for such purpose, the mayor shall, in presence of the common council, open the sealed proposals for constructing the work. No proposal shall be considered which shall not be accompanied with the names of two sureties, who shall have consented to become such sureties, and whose consent in writing shall accompany such proposal, and in said proposal it shall be conditioned that, if the proposal be accepted, the person proposing will execute and deliver a bond with the said sureties, and with a penalty, both to be approved by the common council, to construct the work at the price and upon the terms proposed, according to the plans and specifications therefor in the possession of the city clerk, within such reasonable time as the common council may limit, and subject to the supervision and approval of the common council. The common council shall then determine whose is the most favorable proposal, and may then, by a two-thirds vote of all its members, to be ascertained by taking and recording the ayes and noes, authorize and direct the construction of the proposed work, and accept the most favorable proposal; the common council shall thereupon appoint three persons as commissioners, who shall be owners of a freehold estate in the city of Yonkers, liable to taxation, and not situate within the assessment district.

§ 26. Each commissioner so appointed shall, immediately upon receiving notice of his appointment, take an oath before some officer authorized to administer oaths, faithfully and fairly to discharge the duties which shall devolve upon him by such appointment; and the said commissioners shall thereupon proceed to view the premises, and shall assess the expense of said improvement upon the several lots, pieces or parcels of land benefited in proportion to the benefit which, in their

opinion, the same shall derive from, or in justice ought to be assessed for, the said improvement; provided, however, that it shall be lawful for said commissioners to substitute in their report for the names of the owner of any land assessed the words "unknown owner" in all cases where, after having made diligent inquiry, they have not been able to ascertain the name of the owner.

Unknown owners.

§ 27. The commissioners shall make a report, in writing, of the assessment so made, and, before proceeding to sign the same, shall give notice, through one or more of the city newspapers, which notice shall be published once in each week for two weeks successively, of the time and place when and where the parties interested can be heard; and after hearing the parties, the commissioners shall proceed and complete the report, and sign the same and return the said report, with all the objections, in writing, which shall be presented to and left with them by any of the parties interested.

To make a report in writing, give notice of and review and complete same.

§ 28. The common council shall thereupon examine the matter and correct the said report and assessment, or send it back to the same or other commissioners, or confirm the same, as they may think just and proper; and the like proceeding shall be had when the report of the commissioners is sent back, as in the first instance, and after the same shall have been confirmed the assessment therein shall be collected in the same manner as assessments are to be collected, as provided in section fifteen.

Common council to examine and correct report.

§ 29. The common council shall determine and fix the amount of compensation to be paid the commissioners in all such proceedings; and the amount to be paid them, together with the costs, counsel fees (which counsel fees shall not exceed in any one case the sum of fifty dollars, exclusive of disbursements, except by a resolution passed by the common council, who may allow such further sum in addition as they may deem just and proper), expenses and percentage shall be added to and form part of the amount to be assessed for such improvement, as also the compensation of the surveyor, architects and inspectors of such work after

Compensation of commissioners to be fixed by common council.

the amount thereof shall have been fixed by the common council.

Mistakes  
as to  
ownership  
not to in-  
validate  
report.

§ 30. An error or mistake made by the commissioners to be appointed under this title, as to the ownership or description of any premises mentioned or referred to in their report, shall not affect or render invalid any part or portion of their said report.

Alteration  
of  
grade of  
streets.

§ 31. The common council shall have power, on the written application of any party interested, in the manner hereafter provided, to alter the grade of any street, or avenue, or public square, after the same shall have been established by said common council, in all or any part thereof, provided that, before finally determining to make such alteration, they shall cause a profile, showing the intended alteration to be made, and placed in the office of the city clerk, for public inspection, and shall cause a notice to be published in one or more of the city newspapers, once in each week for two consecutive weeks, setting forth their intention to make such alteration, and requiring all persons interested therein to present their objections, in writing, to the common council at a time and place to be mentioned in said notice, after the expiration of two weeks from the first publication thereof. After the expiration of the time named in said notice, the common council may, by the affirmative voice of three-fourths of all the members elected, alter such grade. In case the owner or owners of any building, or the authorized attorney of such owner or owners shall within two weeks after the passage of any ordinance altering the grade of any street or avenue, present to the common council, in writing, a claim for damages to such building arising from such alteration, it shall then be the duty of the common council to establish an assessment district, and cause application to be made to the county court of the county of Westchester, or to the Supreme Court, at special term thereof, for the appointment of commissioners to estimate said damages, and the like proceedings shall thereafter be had in respect to said claim, as in this title is provided for estimating and assessing the expenses for the opening and widening of streets.

Proceed-  
ings there-  
upon.

Claims for  
damages to build-  
ings.



§ 32. Interest at the rate of seven per cent. per annum shall be due and payable on all taxes and assessments, commencing thirty days after the receipt by the receiver of taxes of the warrant issued for the collection of said taxes, or assessments, and interest at the rate of twelve per cent. per annum shall be due and payable on all taxes and assessments that remain unpaid sixty days after the receipt of the warrant issued for the collection of said taxes or assessments, and the said receiver of taxes is hereby authorized to collect the interest upon the said taxes and assessments at the rate provided in and by this section, and in such manner as is prescribed by section sixteen of this title, and, in case of non-payment thereof, the common council are authorized to take the same proceedings referred to in section sixteen of this title.

Interest payable on taxes and assessments.

§ 33. Whenever any street, avenue or alley shall have been heretofore laid out through any lands in said city by the owner or owners of the lands through which the said street, avenue or alley shall pass, and the same voluntarily and in legal form ceded or dedicated to the public use as a street or highway, by the said owner or owners, so that the same can be legally accepted and taken by the common council of said city, as a street or highway, the said common council, on the petition of any party or parties owning lands fronting on the same, may, and it shall be lawful for them to, lay out and open said street, avenue or alley, so in proper form ceded or dedicated in fact, or by implication of law as aforesaid, without the appointment of commissioners, as provided for in section five of this title; and the said common council shall have the power to declare the same legally laid out as a public street or highway. Before acting, however, on such petition, the said common council shall give public notice of the said application or petition in one or more of the city newspapers, once in each week, for two consecutive weeks; and shall in said notice accurately describe the said street, avenue or alley so sought to be laid out or opened, and shall state the time when the said common council shall proceed to act upon the prayer of the said petition; and, unless a remonstrance, signed by a majority of the

When common council to lay out and open streets on lands dedicated to the public.

Notice to be published.

owners of land on the line of said street, shall be presented to the said common council on or before the time in said notice specified, the said common council shall then be at liberty at any time thereafter, within one year, to lay out and open said street, avenue or alley, and to declare by a resolution under the corporate seal of the city and the hand of the mayor and the city clerk thereof, the said street, avenue or alley laid out and opened, and the same thenceforth shall become a public street or highway. Nothing, however, in this section contained shall make it obligatory upon the said common council to lay out or open such street, avenue or alley, if, in their judgment at that time, there shall be no necessity for the same, and action upon the said petition can be postponed by said common council until such time as the said common council shall see fit to act upon the same, not exceeding one year.

Not obligatory upon common council to lay out street.

Owners to relay and keep sidewalks in repair.

Notice served on occupants.

Service, how made if premises are unoccupied or lots vacant.

Proceedings in case of neglect or refusal.

§ 34. It shall be the duty of owners and occupants of lands fronting on any of the streets or avenues in said city to construct, relay and keep in repair the sidewalks and curb and gutter in front of their respective lots, in such manner and at such times and of such material as the common council may, by a by-law, resolution or ordinance for that purpose, legally direct. The notice to that effect shall be served on the occupant of the premises; but, if such premises are unoccupied, or vacant lots, such service shall be made by advertising such notice in the city newspapers for four successive weeks, and by posting a copy of said notice in some conspicuous place on such premises. If, after notice served as above directed, any such owner or occupant shall refuse or neglect to construct, relay or repair the sidewalks opposite to, or fronting on the lot or lots owned or occupied by him as aforesaid, then in either case it shall be lawful for the common council to cause such sidewalks so to be constructed, relaid or repaired for or on account of the owner of such lots, and such owner and such lots shall be liable to pay the expenses of such repair, relaying or construction, and the cost of advertising, and all sums so expended upon sidewalks, not exceeding in any one year the rate of two dollars a running foot, after being audited by a vote of the common

council, shall thenceforth be a lien, assessment or tax to that amount upon every such lot; and thereupon it shall be lawful for said common council to issue to the receiver of taxes their warrant, returnable in thirty days, for the collection thereof, out of the goods and chattels of the person legally liable to pay the same, and if such warrant shall be returned unsatisfied, in whole or in part, to advertise and sell such lots in the manner prescribed in titles six and seven of this act; and in case of sale for non-payment of taxes, the purchaser or purchasers, owner or owners, his, her or their legal representative, shall have the same rights and privileges as are given to them respectively in and by said titles.

Warrant  
to re-  
ceiver of  
taxes.

§ 35. Whenever the occupant or lessee of any real estate in said city shall have been required, as above provided, to make, repair or construct any sidewalk, he may recover the expenses incurred therefor of the owner of such lot, or set off the amount thereof against the claims for rent, or otherwise, of the owner or owners of said premises.

Where  
occupant  
or lessee  
shall have  
been re-  
quired to  
construct  
sidewalk  
he may  
recover  
amount of  
owner.

§ 36. The same proceedings shall be had and are hereby authorized to be taken for the collection of assessments in said city that have been heretofore, or shall be hereafter, laid or confirmed, and also for the sale of the lands upon which the same now are, or shall hereafter be, liens, as are in this act provided for the collection of taxes, and for the sale of lands for the payment of taxes unpaid and in arrears.

Proceed-  
ings to be  
taken for  
collection  
of assess-  
ments  
heretofore  
laid, etc.

§ 37. In case any owner or owners of any lot or land, or of pieces or parcels of land, situated within the limits of said city, shall neglect or refuse to fence, drain or fill in such lot or lots of land, or pieces or parcels of land, in the manner and within the time required by said common council, by ordinance, and if the proper protection of the public health and of the safety of the citizens of said city require, the said common council shall have the power, after having given thirty days' previous notice to said owner or owners of their intention to do so, to direct such work to be done at the expense of such owner or owners. Prior to the passage of any such ordinance for such purpose, the same

In case of  
neglect or  
refusal to  
fence or  
drain lots  
by own-  
ers, after  
notice,  
common  
council  
may direct  
the work  
to be done  
at owners'  
expense.

Expense  
to be a lien  
on lot

proceedings shall be had, as far as the same are applicable, and as near as may be, as are prescribed in section twenty-five of title seven of this act, for the letting of public works. The expenses of such work, together with the cost of advertising and other expenses incidental to said proceedings, shall, immediately after the passage of such ordinance directing such work to be done, be a first lien upon such lot or lots, and in case of the non-payment of such lien or assessment within sixty days after the same shall have become a lien, the common council shall have power to sell such lot or lots in the same manner, as near as may be, as is herein and by this act provided for the sale of lands on which taxes or assessments are a lien and remain unpaid.

Common  
council  
may direct  
a curb to  
be set and  
gutter to  
be made  
and ex-  
pense  
assessed  
on owners.

§ 38. Whenever the said common council shall, by ordinance or resolution, determine to regulate, grade and pave any street or avenue or any part of any street or avenue within said city in accordance with the provisions of this or any other act, they shall have the power, if deemed by them advisable, in the same ordinance or resolution, to direct a curb to be set and a gutter to be made on each or either side of said street and the expense of the same shall thereupon be assessed by the same commissioners who shall be appointed to assess the expenses of said regulating, grading or paving said streets or avenues, and in the same report and assessment. The assessment for the expense of setting said curb and for paving the said gutter to be laid by said commissioners shall be in proportion to the distance fronting on said street or avenue and upon the land only that shall front upon said street and avenue where the said curb is to be set and gutter made.

Assess-  
ment to  
be in pro-  
portion to  
distance  
fronting  
on street.

In case of  
non-pay-  
ment of  
any assess-  
ment for  
sixty  
days the  
lands  
upon  
which the  
same is  
laid may  
be sold.

§ 39. In case of the non-payment of any assessment which has been heretofore or shall be hereafter made, imposed, laid, levied, assessed or confirmed, in accordance with the provisions contained in this or any other act, for the period of sixty days after such assessment shall have been confirmed, the lands and property upon which the same are or shall be a lien or charge, or upon which the same are or shall be made, imposed, laid, levied, assessed, or confirmed, may be sold for the payment and collection of the amount of such assessment,

together with all interest, commissions and percentage and expenses, in the same manner as by this act lands are authorized to be sold for the non-payment of taxes, and the same proceedings shall be had for the sale of lands for the non-payment of such assessments, interest, commissions, percentage and expenses as are by said act provided for in the case of the sale of lands for the non-payment of taxes.

## TITLE VIII.

### OF THE PREVENTION AND EXTINGUISHMENT OF FIRES.

SECTION 1. The common council shall have power to prohibit the erection of wooden buildings or shingle roofs within or in the vicinity of the compact parts of the city, to be specified, but such power shall only be exercised upon a vote of two-thirds of the common council; to require fire escapes to be provided in such mills, factories and other buildings, as they may deem safety to human life requires; to raze or demolish any building or erection which may, by reason of fire, or any other cause, become dangerous to human life or health, or may tend to extend a conflagration; to prevent the dangerous construction and condition of buildings, walls, chimneys, fire places, hearths, stoves and stove pipes, ovens, boilers and apparatus used in any building or manufactory; and to cause the same to be removed or placed in a safe condition when considered dangerous, and to prevent the deposit of ashes in unsafe places, to provide fire buckets and regulate the use of them in time of fire; to authorize the fire wardens or other officers of the city to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and, in case of refusal, to arrest or cause such persons to be arrested as disorderly persons under this act, and generally to establish such regulations and ordinances for the prevention and extinguishment of fires and preservation of life and property as they may deem expedient.

Common council may fix fire limits.

Demolish dangerous buildings.

Prevent dangerous construction of chimneys, etc.

Provide fire buckets, etc.

Regulations for the extinguishment of fires, etc.

§ 2. The common council shall procure fire engines and other apparatus used in the extinguishment of fires,

To procure fire engines, etc.

and have the charge and control of the same, and shall provide fit and secure engine-houses and other places for keeping and preserving the same, and shall have the power to organize fire, hook, hose, ladder, axe and bucket companies, and to appoint a suitable and competent number of inhabitants of said city as firemen, and to take the care and management of the engines and other apparatus and implements made and provided for the extinguishment of fires; to prescribe the duties of and to dismiss firemen and make rules and regulations for the government of the fire department. The members of the several fire, hook, hose, ladder, axe and bucket companies, when organized under this section, shall have power, each company, to select a foreman and one assistant foreman and a secretary for each of their respective companies, and to nominate members to fill any vacancy which may occur in their ranks, subject to the approval of the common council; provided, that no engine or other company shall exceed the number of members allowed by the common council, which shall have power to regulate the number of members for each company, not to exceed sixty members to any one company. They may adopt by-laws for the government of their respective companies, and may impose fines and forfeitures for the violations of the same. They may expel any member from their ranks for improper conduct or neglect of duty. During the time such companies shall remain duly organized, they shall have the custody of the engine and other apparatus pertaining to the fire department, subject, nevertheless, to the paramount possession, authority and control of the mayor and common council of said city.

To appoint firemen, etc.

Members of companies may select officers, etc.

By-laws.

Expulsion of members.

Fire wardens.

§ 3. The mayor and aldermen shall be fire wardens, and the common council may appoint two other fire wardens in each ward, and prescribe their powers and duties and the term of their office, and cause and authorize the fire wardens to examine at reasonable times, all dwelling-houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition as regards fire, and to regulate and prevent the carrying on of manufacto-

ries, or any other business dangerous in causing or promoting fire.

§ 4. Any member of the common council or engineer of the fire department, or any police officer or constable, may, at sight, arrest or cause to be arrested any person refusing to assist at a fire, or violating any ordinance in relation thereto, and any person so offending shall be deemed a disorderly person under this act.

Arrest of persons refusing to assist at fires.

§ 5. It shall be lawful for the chief engineer or either of the assistant engineers, or any person in charge of an engine, hose carriage or truck, on its way to a fire, to detach from any vehicle any horse or horses, mule or mules, and to attach the same to such engine, hose carriage or truck, and therewith assist in conveying the same to the locality of such fire, and to use the same for such length of time as the officer may deem necessary, thereafter returning the same to the owner or person from whom it was taken.

Horses may be detached from any vehicle and attached to fire engine on its way to a fire.

§ 6. The foremen enrolled by virtue of this act shall, during the term of their service as such, be exempted from serving on juries and in the militia, except in case of war, invasion or insurrection, and a service of five years as such fireman shall forever exempt them from such jury or military duty, excepting as aforesaid. The name of each fireman so enrolled shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided for in this section shall be the certificate of the said city clerk, countersigned by the mayor of the city.

Exemption of firemen.

## TITLE IX.

### OF THE PUBLIC HEALTH.

SECTION 1. The common council of said city are hereby constituted a board of health for said city, and they shall, within four weeks after the election of city officers in each year, meet as such board of health; the mayor shall be president and the city clerk secretary of such board; they shall also appoint a competent physician and surgeon, residing in said city, health officer thereof, and fix the compensation of such health officer. And such board of health are authorized to do all things meet and necessary to protect the lives and health of

Board of health.

Powers of.

the citizens and sojourners in said city, as far as cleanliness, ventilation and purification are concerned, and may establish regulations for the periodical vaccination of all persons residing in said city, and generally shall possess all the powers and authority and perform all the duties of boards of health under the laws of this State. A majority shall be competent to transact any business thereof, and in the absence of the mayor, any member (except the clerk) shall be eligible to preside. Every practicing physician in said city who shall have a patient laboring under any infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of said board, and for neglecting to do so shall be deemed guilty of a misdemeanor. Said board of health is hereby declared to be organized in accordance with the provisions of the Revised Statutes of the State of New York. The police force in said city shall enforce the ordinances, resolutions and regulations of said board.

Quorum.

Physicians to report cases of pestilential diseases.

Police to enforce rules.

General powers.

§ 2. The board of health shall have all the powers and the same duties given and prescribed in the act entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, and the acts amendatory thereof, except the election of its president.

Term of office.

§ 3. The health officers shall hold office for one year from the date of their appointment, and until the qualification of their successors in office.

Pest house, etc.

§ 4. The common council shall have power to designate a building, purchase a site and erect a hospital or pest-house within said city, to make rules, ordinances and regulations for its management, for the admission and conveyance of patients thereto, and for the collection of expenses incurred for medical care, attendants and the support of patients therein, whenever the patient or his or her parents or guardian, liable for his or her support or maintenance, shall have sufficient ability to make payments to the mayor or common council therefor. The board of health shall audit all bills and accounts for medical care, attendants, and for the support of patients in such hospital or pest-house, and return the same to the common council, who shall have power to maintain a suit therefor in the corporate name of the

Board of health to audit bills, etc.



city against any person or persons who shall be liable for the payment thereof.

§ 5. The common council shall have power to make ordinances and by-laws, imposing a penalty on all persons who shall knowingly or designedly bring or cause to be brought into said city, any person not a resident therein, who at the time shall be affected with the small-pox, or any infectuous or pestilential disease, and to require all persons infected with, or who have been exposed to, the small-pox or any contagious or infectious disease, to be removed to the pest-house or out of the thickly inhabited parts of the city.

Ordinances may be made imposing penalties for bringing into city persons not residents affected with pestilential disease.

## TITLE X.

### OF THE POLICE.

SECTION 1. The board of police, organized under chapter two hundred and forty of the Laws of eighteen hundred and seventy-one, shall continue the same, except that the mayor of the city of Yonkers shall be one of the board of police in place of the president of the village of Yonkers. In construing said chapter two hundred and forty of the Laws of eighteen hundred and seventy-one in connection with this act, the words "city of Yonkers" shall be read in place of and whenever the words "village of Yonkers" occur therein.

Board of police.

## TITLE XI.

### MISCELLANEOUS.

SECTION 1. At the first meeting of the common council, the clerk of the village of Yonkers shall be the clerk of the city, and shall continue such clerk until a city clerk should be appointed and qualify, as in this act provided. He shall thereupon transfer all books and papers to his successor.

Village clerk to be city clerk until a city clerk is appointed and qualified.

§ 2. All property and right of property, and all estate, real and personal, vested in or belonging to or held in trust by the trustees of the village of Yonkers, or by said village, at the time this act shall take effect as a law, or by the town of Yonkers, or by any person or officer in trust for the town of Yonkers, or the inhabitants thereof, shall be and are hereby vested in the city of Yonkers, and the said corporation, by its corporate

Property, etc., of village to vest in city.

City to be substituted for village in all pending suits.

name of the city of Yonkers, shall succeed to all the rights and liabilities of the village and town of Yonkers, and all such rights and liabilities may be enforced by or against the city of Yonkers; and in all actions pending in any court at the time this act takes effect, in which the village of Yonkers shall be a party, the court in which the action is pending shall substitute the city of Yonkers in place of the village of Yonkers, and the same proceedings shall be thereupon had as if the city of Yonkers had been the original party.

Existing acts inconsistent with this act repealed.

Other acts modified to conform to this act.

§ 3. From and after the passage of this act, all acts and parts of acts inconsistent with and repugnant to this act are hereby repealed, but all acts and parts of acts not inconsistent with the provisions of this act, in relation to the village of Yonkers, shall be applicable to the city of Yonkers, but modified to conform to such changes made herein from the village of Yonkers to the city of Yonkers, and nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under such act shall and may be carried out with the same effect as though this act had not been passed; the city of Yonkers standing in all respects in place of the village of Yonkers.

When term of office of village officers to expire.

§ 4. The terms of office of all the officers of the village of Yonkers shall expire the first Tuesday after the first election to be held under this act, except as herein otherwise provided.

Evidence.

§ 5. The entries in the book of by-laws, journals and minutes of the common council, and of the board of health of said city, or sworn copies thereof, shall be presumptive evidence in all courts and places of the facts therein stated, and the certificate of the city clerk shall be sufficient evidence of the authenticity of all such journals, minutes and books of by-laws in his custody or kept by him. No bail or sureties shall be required in any proceeding in any actions or proceedings wherein the said city is a party, in any court of this state, from the said city.

City not to give bail or furnish sureties in suits.

§ 6. This act is hereby declared a public act, and shall be construed favorably for any beneficial purpose therein contained.

Act, how to be construed.

§ 7. The common council of said city shall not audit any account for services rendered, materials found, or disbursements paid out in such services, unless such account shall be made out in items and accompanied with an affidavit attached thereto, and to be filed with such account made by the person (or by one of the persons when more than one person is interested in any one bill) presenting or claiming the same; that the items of such account are correct; that the services and disbursements charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied.

Accounts not to be audited unless in items and verified.

§ 8. No costs, fees, disbursements or allowance shall be recovered or inserted in any judgment against the city of Yonkers, or against any of its officers or authorized agents, where said city would be liable to respond to any such officers or authorized agents, unless the claim, whether arising on contract, express or implied; or on tort, upon which such judgment is founded, shall have been presented for payment to the common council of the city of Yonkers, at least thirty days before the commencement of an action thereon.

No costs or fees to be recovered against city unless account or claim has first been presented for audit and payment.

§ 9. All actions brought to recover any penalty or forfeitures incurred under this act, or the ordinances, by-laws or public regulations made in pursuance of it, shall be brought in the name of the city of Yonkers, and in any such action it shall be lawful to declare generally, orally, or in writing, for such penalty or forfeiture referring only to the section of this act, or the section of the ordinances, by-laws or public regulations passed in pursuance of such act, under which the penalty or penalties, or forfeiture, is or are claimed, and the defendant may deny generally in like manner, and either party may give in evidence, under such general declaration, or denial, any special matter that may be legally the subject of such claim for penalty or penalties, or that may legally be the subject of the defense under such general denial of the defendant.

Actions for penalties to be brought in name of city.

§ 10. Every execution issued in any action for any penalty or forfeiture, or penalties recovered for the

Form of executions to

be issued on judgments recovered for violation of ordinances.

violation of any ordinance, by-laws or public regulation of said city, or for a violation of any of the provisions of this act, shall command the amount to be made of the property of the defendant or defendants, if any such can be found, and if not, then to commit the defendant or defendants to the county jail for such time as shall be prescribed in such provision of this act, or in such ordinance by-law or public regulations of said city, unless herein otherwise provided.

Expenses in prosecuting for penalties to be defrayed by city.

§ 11. All expenses incurred in prosecuting for any penalty, penalties or forfeitures, shall be defrayed by the corporation; and all penalties and forfeitures, when collected, shall be paid to the treasurer and tax receiver for the use of the city.

Qualifications of judges and witnesses.

§ 12. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Yonkers in any action or proceeding in which said city is a party interested.

Mayor or chairman of special committee may administer oaths.

§ 13. The mayor or the chairman of any committee or special committee of the common council shall have power to administer any oaths or take any affidavits in respect to any matter pending before the common council or such committee; and any person who may be required to take any oath or affirmation, or to make any affidavit or statement under oath, or affirmation under or by virtue of any provision of this act, who shall, under oath or affirmation in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

False swearing made perjury.

Service, what deemed sufficient.

§ 14. Where corporations, associations, co-partners, joint-tenants, or tenants in common, are to be served with a notice under any provision of this act, or under the direction of the common council, it shall be deemed a sufficient, valid and legal service of such notice to serve a copy thereof upon the president, cashier, treasurer, one of the directors or managing agent of such corporation or association, or upon any one of such co-partners, joint-tenants or tenant in common.

Affidavits of service to be presumptive evidence.

§ 15. The affidavit of the service of any notice under the provisions of this act, or under the direction of the common council, made by the person serving the same, or where the service is by publication, the affidavit of

the publisher of the paper, the clerk, editor or foreman in his office, stating that such notice has been published the time required by law, and filed with the city clerk, shall be presumptive evidence in all courts and places, as shall be also certified copies of the same.

§ 16. Every act, ordinance, by-law, public regulation, resolution or proceeding of the common council of the city of Yonkers may be read in evidence in all courts and places in this State, either:

Ordinances, etc., may be read in evidence.

1. From a copy of such act, ordinance, by-law, public regulation, resolution or proceeding, certified by the city clerk, with the seal of the corporation affixed.

From certified copy.

2. From the printed volume of ordinances, by-laws and public regulations printed by authority of the common council.

From printed volume.

§ 17. It shall be the duty of the common council to appoint by ballot, yearly, at its meetings on the first Monday after the election of city officers, and so often as may be necessary to fill vacancies, the following officers, namely: One pound-keeper, one or more sealers of weights and measures, one or more scavengers, and such officers as may be required to be appointed by it, by chapter three hundred and forty-nine of the Laws of eighteen hundred and fifty, and the acts amendatory thereof, each of whom, except the officers appointed under said last mentioned act and its amendments, it may remove at its pleasure; but, unless so removed, each of them shall serve as such officer for one year, unless otherwise provided by law, and until the qualification of his successor in office.

Officers to be appointed by common council.

Term of office.

§ 18. When any person, charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before the city judge of said city, the city judge shall proceed forthwith to hear, try and determine the complaint or charge on which such person is so arrested; or he may, in his discretion, adjourn the hearing or trial, on cause shown, not to exceed five days, and, in the meantime, shall commit the accused to the county jail, or any other convenient and secure place, until such day, or suffer him to go at large on his executing a bond, with sureties, under the approval of said city judge, conditioned that

Proceedings against disorderly persons.

Punish-  
ment of

he will appear on said adjourned day; and, upon the conviction of any such offender, either by confession or competent testimony, the said city judge shall have full power, and is hereby authorized, to punish, by fine, not exceeding fifty dollars, or by imprisonment in the county jail of Westchester county, not to exceed six months, or by both fine and imprisonment.

Resig-  
nations.

§ 19. All resignations of any officers under this act shall be made to the common council, subject to their acceptance.

Fines,  
etc., to be  
paid trea-  
surer.

§ 20. All fines, forfeitures and penalties, and all moneys received for licenses under this act, shall be paid to the treasurer of said city, and may be applied by said common council to any purpose consistent with this act.

When the  
city may  
purchase  
suitable  
lot for site  
for city  
hall, etc.

§ 21. The city of Yonkers may, at any time hereafter, purchase or lease, have and hold, such lot, lots, pieces or parcels of land as may be suitable and proper for erection thereon of a suitable building or buildings for a city hall, or other necessary purposes, when the common council shall, by a vote of two-thirds of all the members thereof, determine to purchase or lease the same; and, when such purchase or lease shall be made, to make, execute and deliver the bonds of the city for the amount of such purchase money, and a mortgage on the lot or lots, pieces or parcels of land so to be purchased, to secure the payment of said bond or bonds; which said bond and mortgage, when duly executed and delivered, shall be a valid lien or incumbrance on said lot or lots, pieces or parcels of land, and which bonds and mortgage may be made payable in annual installments, with interest payable upon the whole amount of principal unpaid, said interest payable semi-annually. And the said common council is hereby authorized to raise on the taxable property of said city such sums of money as shall be required to pay the interest on the said bonds and mortgages, and the said annual installments of the principal thereof, until the same shall be paid and satisfied; which sum or sums of money so raised by said common council, for the payment of the said principal and interest, shall be in addition to all sums heretofore authorized to be raised by said common council. And

Bonds for  
purchase  
money  
secured  
by mort-  
gage.

Tax to  
pay prin-  
cipal and  
interest.

the said common council shall have power to sell at public auction to the highest bidder, after a notice of six successive weeks in all the newspapers published in the city of Yonkers, the public hall now owned by the village of Yonkers, situated on Palisade avenue, and to appropriate the avails thereof toward the payment of the debt due on the Manor House property, purchased by said trustees of said village for village purposes.

May sell  
at auction  
public hall  
now  
owned by  
city.

§ 22. All taxes and assessments which have heretofore been imposed, laid, levied, assessed or confirmed in accordance with any of the provisions of the laws of this State authorizing the levying and collecting of taxes and assessments of village incorporations, and all taxes and assessments which shall hereafter be made, imposed, laid, levied, assessed or confirmed in accordance with any of the said provisions, shall be legal and valid first liens and charges upon all personal property of the person, firm or corporation to, upon or against whom the same are laid, imposed, made, confirmed, levied or assessed, and shall also be legal and valid first liens and charges upon the particular lot, piece or parcel of land or real estate against which the same are laid, imposed, made, confirmed, levied or assessed, provided the said personal property, or the said land or real estate, shall be within the limits of said city; and the said taxes and assessments shall be such lien and charge from the time the same are so laid, assessed and confirmed, together with such interest, commissions, percentage and expenses as by any of the provisions of such acts are authorized to be added thereto.

All taxes  
and assess-  
ments to  
be first  
liens upon  
property.

§ 23. This act shall take effect immediately.

## Chap. 867.

AN ACT to provide for the repavement and improvement of Henry street, between Pierrepont street and Fulton street, in the city of Brooklyn.

Passed June 1, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Board of water and sewerage commissioners to cause portion of carriage-way of Henry street to be paved.

SECTION 1. The permanent board of water and sewerage commissioners of the city of Brooklyn are hereby authorized and directed to cause that portion of the carriage-way of Henry street, lying between the southern side of Pierrepont street and Fulton avenue or street in said city, to be paved with such good and substantial stone pavement as a majority of the lot owners along the line of said improvement shall elect, and to cause gutters, cross-walks and other like improvements, to be constructed or repaired as may be necessary.

How to be made and paid for.

§ 2. Such improvement shall be made and paid for in the same manner as other similar improvements authorized to be made by said board; but after the same has been completed, one-half of the expense shall be assessed in the manner by law required on a district of assessment one hundred feet in width along said Henry street, on both sides thereof, between said Pierrepont street and said Fulton avenue or street, and the remainder of such expense, with interest thereon from the time the same is fixed, shall be raised in the next succeeding annual tax levy of said city.

One-half expense to be charged city.

§ 3. The city of Brooklyn shall assume one-half of the expenses for laying down the Scrimshaw pavement now on said street.

Not to authorize issue of bonds beyond amount limited.

§ 4. Nothing in this act contained shall authorize the issue of any bonds of the city of Brooklyn, beyond the amount limited for local improvements in and by the act entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," passed May tenth, eighteen hundred and



seventy-two. All contracts under the provisions of this act shall be subject to the provisions of the said act of May tenth, eighteen hundred and seventy-two.

§ 5. This act shall take effect immediately.

## Chap. 868.

### AN ACT to incorporate the United States Loan and Security Company.

Passed June 1, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. William H. Fogg, John E. Ward, Charles E. Hill, Spencer C. Blake, John Middleton, their associates, successors and assigns, are hereby constituted a body corporate, under the name of The United States Loan and Security Company, to be located in the city of New York, in the State of New York.

Corporators.

Corporate name and location.

§ 2. The capital of this company shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, and the board of directors shall have power to increase the same to an amount not exceeding two million of dollars, and the company may commence business whenever one hundred thousand dollars thereof shall have been subscribed and actually paid in.

Capital stock.

Increase of.

§ 3. The company shall have power to receive money on deposit, not exceeding ten times the amount of its paid up capital, or securities for money on deposit; to purchase, invest in, guarantee and sell stocks, bills of exchange, bonds and mortgages and other securities; to guarantee the payments of debts; to make loans of money on real or personal securities.

May receive money on deposit, etc.

§ 4. This corporation may purchase and hold, mortgage and convey such real estate, as may not be in conflict with the laws of the place where purchased, as may be necessary for the accommodation of its business, and such as may have been mortgaged or conveyed to it, or it may be compelled to purchase in security collection, or satisfaction of debts.

What real estate may be purchased and held.

Board of  
directors.

§ 5. The corporate powers of the company shall be vested in a board of directors, to consist of not less than five nor more than nine, who shall be annually elected by the stockholders; a majority of which board shall constitute a quorum for the transaction of business. The persons named in the first sections of this act, together with any associates to be chosen by them, shall be directors for one year from the passage hereof, unless on their resignation others are elected in their stead. Each stockholder shall be entitled to as many votes as he may have shares of stock standing in his or her name on the company's books, and may vote in person or by proxy; furthermore, an election of stockholders shall not be valid unless a majority of the stock shall be represented at such election.

First  
directors.

Stock-  
holders to  
have one  
vote for  
every  
share of  
stock held  
by them.

By-laws.

§ 6. The board of directors shall have power to enact such by-laws as shall be necessary for the management of the business of the company, not inconsistent with the Constitution or laws of this State.

In case of  
failure to  
elect  
directors  
at annual  
election,  
old ones  
to hold  
over, etc.

§ 7. In case of a failure to elect directors at the annual meeting of the stockholders, the old directors shall remain in office until others are elected in their places; and a call shall be issued and published for ten days, in a daily newspaper of the city of New York, for another election, to be held within sixty days thereafter.

Officers.

§ 8. The board of directors shall annually elect from their number a president and treasurer, and may elect or appoint such other officers or agents as shall be necessary for the management of the company's business.

Vacancies,  
how  
filled.

§ 9. The board of directors shall have power to fill vacancies occurring in their body between the annual elections by the stockholders. All elections by the directors shall be by ballot, and in all cases a majority shall elect.

Liability  
of stock-  
holders.

§ 10. The stockholders of the company, incorporated under this act, shall be severally and individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held or subscribed for by them respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such com-

pany shall have been paid in, and a certificate thereof shall have been made and recorded in the clerk's office of the city and county of New York; and the corporation hereby created shall be subject to the provisions of titles three and four, chapter eighteen, part first of the Revised Statutes.

§ 11. No person shall be a director of this corporation unless he shall hold in his own right fifty shares of its stock, and every director shall be personally liable for debts incurred by the corporation during his administration, to an amount not exceeding five thousand dollars.

Qualifications of directors.

## Chap. 869.

AN ACT to incorporate the proprietors of the Shinnecock Hills and lands in the town of Southampton, Suffolk county.

Passed June 1, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Lewis Scott, Walter Scott, Austin Rose, David R. Rose, Daniel Jennings, Albert Jagger, Elias Jennings, Francis R. Bishop, Edward White, Jetur R. Rose, Theron Hand, Nathan N. Tiffany, Joseph R. Harris, Isaac P. Foster, Jared M. Jennings, Stephen Harris, George O. Post, John H. Post, Thomas F. Sayre, David Burnet, Albert Foster and Harvey L. Fanning, the proprietors of the Shinnecock Hills and lands in the town of Southampton, in the county of Suffolk, are hereby constituted a corporation, and Lewis Scott, Austin Rose, David R. Rose, Albert Jagger and Francis R. Bishop shall be the first trustees thereof, and they and their successors in office shall be known as "The trustees of the Shinnecock Hills," and the said Lewis Scott, Austin Rose, David R. Rose, Albert Jagger and Francis R. Bishop shall hold said office of trustees until the first Tuesday in April, eighteen hundred and seventy-three.

Corporators.

First trustees.

Corporate name.

§ 2. It shall be lawful for the said proprietors and their assigns to meet on the first Tuesday in April eigh-

Annual meeting.

teen hundred and seventy-three, and annually thereafter on the first Tuesday in April in each year, and in such place and at such time of the day as the trustees for the time being shall appoint, by notice, as hereinafter provided; and at every such meeting the said proprietors, or a majority of such of them as shall be present, shall have power to make such rules and regulations for improving, managing, governing and using such lands as they may deem proper; and at any such meeting so to be held on the first Tuesday of April, eighteen hundred and seventy-three, and at every annual meeting thereafter to be held, the said proprietors, or a majority of such of them as shall be present in person or by attorney, shall elect five persons, being proprietors as aforesaid, to be trustees for the year ensuing such meeting; and in the choice of the trustees also in making by-laws and regulations and on all other business done at such meeting, each proprietor owning one-fiftieth share in the said hills shall have one vote for every fiftieth share, but no person having less than one-fiftieth share shall have any vote at such meeting.

**Powers of.** **To elect trustees.** **Notice to be given of meetings.** § 3. Three weeks' previous notice shall be given by said trustees of said meeting of proprietors, to be held on the first Tuesday in April, eighteen hundred and seventy-three, by posting a written or printed notice of the time and place of such meeting in three public places in the said town of Southampton, and every annual and special meeting of said proprietors shall be called by giving a like notice of the time and place of holding any such meeting.

**Powers of trustees.** § 4. The said trustees shall have the superintendence of the said lands, and shall have power to make such by-laws, rules and regulations for managing, governing, using and improving the same as a majority of them, from time to time, may deem necessary; provided, however, such by-laws, rules and regulations do not contravene those made by the said proprietors. The by-laws, rules and regulations so made by the said trustees, as also those made by the proprietors, shall be entered in a book to be provided for that purpose by the clerk to be appointed by the trustees. The said **President.** trustees at their first meeting shall elect one of their

number president, who shall preside at their meetings and have a casting vote and none other. At such first meeting the trustees shall likewise elect a clerk. It shall be the duty of the clerk to enter in said book the name of each proprietor and the amount of interest in said lands to him or her belonging; and no proprietor shall be entitled to a vote at any meeting unless his or her name be entered as aforesaid in the book. A majority of said trustees shall form a quorum competent to the transaction of business.

Clerk.  
Duties of.

Quorum.

§ 5. The said trustees shall have power to purchase and hold, for the use of the proprietors, such pieces or parcels of meadow or marsh lands as are not now owned by them, lying within the limits of the tract of land known as the Shinnecock Hills, not exceeding in quantity in the whole, fifty acres.

Trustees  
may purchase  
meadow  
or marsh  
lands.

§ 6. The said trustees shall have power to sell the whole or any part of the lands owned by them, or hereafter to be purchased, as lastly hereinbefore provided, at such time or times as they may see fit, and to convey the same by deed or deeds under their corporate seal and the hand of their president.

May sell  
lands.

§ 7. The said trustees shall have power, in their corporate name, to bring and maintain suits for all injuries and causes of action done or accruing to said proprietors, whether by trespass on said lands, by breach of said by-laws, or by breach of any contract, or howsoever accruing, or of whatsoever nature, and to recover therein for the use of said proprietors.

May bring  
suits for  
trespass,  
etc.

§ 8. It shall not be lawful for any proprietor of said lands to plant, plow or sow, or in any other way to use or occupy the said lands, or any part thereof, by reason of being proprietor or tenant in common thereof, otherwise than in conformity to such rules and regulations as shall be established by the trustees, or by the proprietors at their meetings. The trustees shall be bound by the by-laws, rules and regulations in the same manner as other proprietors.

Restrictions  
on rights of  
proprietors.

§ 9. This act shall not affect the tribe of Shinnecock Indians, nor their right, title or interest, if any, in and to said Shinnecock Hills and lands.

Not to  
affect  
Shinnecock  
Indians.

§ 10. This act shall take effect immediately.

## Chap. 870.

### AN ACT to incorporate the Peekskill Ferry, Dock and Transportation Company.

Passed June 1, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpo-  
rators.

SECTION 1. David L. Seymour, Cyrus Frost, Charles A. G. DePew, John Peck, Calvin Frost, William D. Southard, Robert D. Nelson, Uriah Hill, Jr., Dorlan F. Clapp, William S. Tompkins, Alvah Bushnell, Egbert H. Fairchild, Daniel Clark Briggs, Vincent C. King, Daniel J. Haight and Charles F. Southard, and such persons as may associate with them, and their successors shall be and they are hereby created and made a body politic and corporate in law and in fact, by the name of The Peekskill Ferry, Dock and Transportation Company.

Corporate  
name.

Corporate  
powers.

§ 2. Said company are hereby authorized and empowered to erect, establish, maintain and keep a ferry across the Hudson river, to or from or between any point or points, place or places, included between a certain point or place known as Verplanck's Point, on the south of the village of Peekskill, town of Cortlandt and county of Westchester, and a certain point or place known as Roa Hook, on the north of said village, on the east side of said river, and a certain point or place known as Tompkins' Cove, and a certain place or point known as Fort Montgomery, on the west side of said river, inclusive of said points or places, and that the ferry right hereby granted shall be and the same is hereby declared exclusive in said company.

Boats,  
etc.

§ 3. Said company shall construct or purchase, establish and maintain, suitable and necessary craft, boat or boats, for carrying and transporting to and from and between any points or places within or between said boundaries, passengers, baggage, vehicles, horses, cattle and other animals, merchandise, goods, freight and all other articles of property, at such prices or rates as the directors may hereafter establish.

§ 4. If any person or persons, corporation or association shall, after the commencement of actual operations by said company hereunder, set up, keep, maintain or establish any ferry, or shall convey or transport any person, baggage, vehicle, horses, cattle or other animals, merchandise, goods, freight or other article of property, for hire or pay, except in row boats, to or from or between any point or points, place or places, within the limits or boundaries aforesaid, such person or persons, corporation or association, shall be deemed to have violated this act, and shall, for each and every such violation, forfeit and pay to the said The Peekskill Ferry Company, the sum of five dollars, with costs of suit, to be recovered in any court of this State having cognizance thereof; provided, that nothing in this act contained shall be construed to exclude any person or persons, living along said Hudson river, within the limits or boundaries aforesaid, from the right of conveying or transporting themselves and their goods and chattels respectively at pleasure.

Other persons not to keep ferry between places named.

Penalty.

Proviso.

§ 5. Said company shall be and it is hereby authorized and empowered to establish, maintain, and carry on the business of warehousemen, wharfingers and lightermen, upon or adjacent to the banks of said river, upon either or both sides thereof, within the limits or boundaries aforesaid, and shall have power to receive on storage or deposit, any goods, wares, merchandise or other personal property for safe keeping, forwarding or shipping, and to make advances thereon or on the pledge thereof, and to collect charges, have and receive such rates or prices for dockage, wharfage, storage, freightage, lighterage, and cranage, for the use of their docks, wharves, quays, piers, slips, warehouses, elevators, boats, lighters, machinery and appliances connected therewith as the directors thereof may from time to time fix and establish, together with the the charges and expenses incurred for labor or otherwise, in the receipt, delivery, custody and handling of merchandise or other personal property received, shipped by or stored with said company, including such advances as may be made by said company thereon, and interest and commissions, and all such charges, rates, prices, advances, interest, commis-

Company may carry on the business of warehousemen, etc.

Charges to be liens.

sions and expenses above specified shall be a lien on said property and such lien may be enforced by a sale thereof in the manner hereinafter specified.

Reasonable care and diligence to be used.

§ 6. It shall be the duty of said company to use all reasonable care and diligence in the keeping of all property deposited with them, and, in case any property or choses in action deposited with said company, or placed under its control, and upon which they have made any advances, shall, before the maturity of the contract in relation thereto, decrease in value from the value thereof specified in said contract, said company may give notice in writing to the owner of said property, or his agent, to perform the conditions of his contract or make good the deficiency caused by such decrease in value within ten days after the receipt of said notice, and, in default thereof, may sell and dispose of such property at public auction, and out of the proceeds thereof may retain the amount due them under their contract, together with costs, charges and expenses. Such sale shall be upon a notice of at least six days, published in one of the newspapers in the village of Peekskill, and upon notices posted in at least three conspicuous places in said village; such sale may be made in the city of New York whenever, in the judgment of the directors, it may be deemed to be to the best interests of all parties, but in such case, in addition to the notices already prescribed, notice shall be published in one of the daily newspapers published in New York city for six days. But nothing in this act contained shall be held or construed to limit or affect the liability or obligation of the said company as warehousemen, wharfingers and lightermen, as the same is fixed by the common law or by statutes, any further than the same is limited or affected by the express terms of the contract in this section mentioned.

When may sell property deposited.

Notice to be published.

Act not to be construed to limit liability of company as warehousemen.

When sales may be made.

§ 7. Said company may sell at public auction or private sale, or in such way as may be specified in the contract between the parties, if there be one, on a notice of fifteen days, or any other time that may be agreed upon, choses in action, and all other property of every description to which said company may have any claim by virtue of any act done or right acquired under this charter, or the maturity of any obligations made in rela-



tion to or on the security of said property or choses in action, and may reimburse themselves out of the avails of such sale for the moneys due them, with interest, costs and charges.

§ 8. Said company shall have power, and they are hereby authorized and empowered, to lay, construct, erect, operate, maintain and use a railroad with a double or single track; and to carry, convey and transport passengers, baggage and freight for hire, pay and compensation commencing upon Verplanck's point, in the town of Cortlandt, in the county of Westchester aforesaid, running thence northerly and easterly to a point on the easterly shore of Peekskill creek opposite Roa Hook; thence westerly across said Peekskill creek upon a bridge to the westerly shore of said creek; thence westerly to Roa Hook at or upon the easterly shore of the Hudson river, also running from the Hudson river at a point opposite the westerly end of Center street; easterly through, along and upon Center street; thence through Division, Main, South and Park streets and such other streets, avenues, highways and routes, as may, in the opinion of the directors of said company, be to the best interest of the public, together with the convenient and necessary turnouts, switches, sidings and appurtenances for the proper working, operation and accommodation of said road.

May construct and operate railroad.

Route.

§ 9. Said company are hereby authorized and empowered to erect, maintain and use a suitable draw or swing bridge over said Peekskill creek.

May build bridge over Peekskill creek.

§ 10. Said railroad shall be constructed on the most approved plans for the construction of city railroads, and where the same passes through, along or over any street, avenue or public road in the village of Peekskill, with the rail commonly known as the Philadelphia rail, and within the limits of said village, shall be subject to such reasonable rules and regulations as the proper authorities may from time to time by ordinance prescribe; and the said company are hereby authorized to charge, have, receive and collect such rates, fares and prices for passengers, baggage and freight as the directors may from time to time fix and establish.

Railroad, how to be constructed.

Necessary  
real  
estate,  
how ac-  
quired.

§ 11. That if said company in the construction, use or operation of said railroad upon the route or routes above designated, should deem it necessary or proper to run upon, intersect or use any portion of other railroad tracks now or which may hereafter be laid, or to acquire any real estate or any interest therein and they shall be unable to agree with the owner or owners of the same for the use or purchase thereof, they may acquire the right to use or title to or right or interest in the same in the manner specified in the act of April second, eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same;" in all cases the use of said streets, avenues, roads and highways for the purposes of said railroad shall be considered a public use, consistent with the uses for which the proper officers of said village and town hold the same. Said track or tracks of said railroad shall be laid flush with the surface of said streets and highways, and conform to the grade as it now is or shall from time to time be established or altered by the proper authorities in each case; and the said company shall keep the surface of said streets and highways within the rails, and for one foot outside thereof, in good and proper order and repair.

Track,  
how laid.

May hold,  
lease, etc.,  
necessary  
real or  
personal  
property.

§ 12. That said company shall have power in their corporate name to purchase, hold, acquire, lease, convey, erect and maintain all such real or personal property or estate whatever, including docks, piers, quays, wharves, slips, elevators, cranes, machinery, stables, depots, car-houses, warehouses, sheds and other buildings, boats, lighters and bridges, land, lands under water, and rights and privileges therein, rights of way, privileges, licenses and franchises necessary, proper or convenient to carry on their operations and business, and to erect and establish buildings, reclaim, fill in, grade, dock, regulate or otherwise improve such lands, water privileges, franchises and other property, and otherwise use the same as may be of most advantage and profit to them, and to sell, lease, dispose of, exchange, mortgage or otherwise incumber said real or personal property and franchises, and to make, execute and enter into contracts, receipts, vouchers, acquittances, releases, bills of ex-

change and promissory notes, either with or without their corporate seal.

§ 13. The capital stock of said company shall be ten thousand dollars, with power in the stockholders to increase the same to two hundred and fifty thousand dollars; such stock shall be divided into shares of twenty-five dollars each.

Capital  
stock.

§ 14. The stock, property and concerns shall be managed by a board of nine directors, who shall, except for the first year, be annually elected by the stockholders in such manner as may be provided for by the by-laws of the company. The following named persons shall constitute the board of directors of this company for the first year, namely, David L. Seymour, Cyrus Frost, Calvin Frost, Uriah Hill, Jr., William S. Tompkins, Daniel J. Haight, Charles F. Southard, Egbert H. Fairchild and Dorlan F. Clapp, who shall continue to act for one year from the passage of this act, and until others are elected and qualified in their stead. If at any time any vacancy should happen in the board, it may be filled by the remaining directors for the unexpired term. A majority of the directors for the time being shall constitute a quorum for the transaction of business. No person shall be a director who shall not hold and own forty shares of full paid up stock.

Directors.

First  
directors.

Vacancies,  
how filled.

Quorum.

§ 15. The said directors shall appoint one of their number to be president, and they may appoint and at pleasure remove such subordinate officers and agents as they may deem necessary. They may also, from time to time, make and establish such rules, regulations and by-laws for the management and disposition of the stock and business affairs of said company as they may deem expedient and proper. Said directors may also require payment of subscription to the stock at such times and in such portions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and said company may sue for and recover all such subscriptions.

Officers.

By-laws,  
etc.

Payments  
upon sub-  
scriptions  
to stock.

§ 16. Said company may also, from time to time, raise such sums of money as may be necessary to carry out the purposes of this act, and may issue and dispose

May issue  
bonds and  
mortgage  
corporate  
property.

of their bonds for any amount so raised, and they may mortgage any part of their corporate property to secure the payment of such bonds, and the directors may confer upon the holder of any bond they issue, the right to convert the principal and interest due thereon into stock of said company, at any time not exceeding five years from the date of said bond, under such regulations as the directors may adopt, provided, however, that nothing in this section contained shall be deemed to authorize an increase of the capital stock of said company beyond the amount specified in the thirteenth section of this act.

Liability  
of stock-  
holders.

§ 17. The stockholders of the company shall be individually liable for its indebtedness in an amount equal to the amount of stock respectively held by them, until the full amount of the capital stock thereof shall be paid in in cash.

Of persons  
holding  
stock as  
executors,  
etc.

§ 18. No person holding stock in said company as executor, administrator, guardian or trustee (except in cases where an executor, administrator, guardian or trustee shall have made the original subscription to such stock), and no person holding such stock, as collateral security, shall be personally subject to any liability as a stockholder of said company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of any such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or persons interested in such fund would have been if he had been living or competent to act and hold stock in his own name. Every such executor, administrator, guardian or trustee shall represent the shares of stock owned by him as such executor, administrator, guardian or trustee, at all meetings of the company, and may vote as a stockholder; and every person pledging his stock may in like manner represent the same and vote accordingly. All stock of said company shall be deemed personal estate.

§ 19. This act may at any time be amended, modified or repealed.

§ 20. All provisions of law inconsistent with this act are hereby repealed.

§ 21. This act shall take effect immediately.

## Chap. 871.

AN ACT to incorporate the Ramapo Hunting and Villa Park Association in the county of Rockland.

Passed June 1, 1872; three-fifths being present.

Whereas, it is represented that certain parties are the owners of a large tract of mountain land in the county of Rockland, and that other persons are desirous of joining with them in the creation of an extensive mountain park, that may be made useful for summer residences and for the preservation and propagation of the different varieties of game animals, birds and fish which are fast being exterminated; Preamble.

And whereas, it is represented that it is necessary for the success of this enterprise that the association may be able to buy, sell and lease real estate, make and enforce their own game laws, and laws for the preserving and taking of fish and game, in order to facilitate the objects of the association; therefore,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Henry L. Pierson, Abram S. Hewitt, William G. Hamilton, Charles F. Pierson, Edmund H. Miller, Charles E. Whitehead, and such other persons as shall hereafter become members of the corporation hereby created, are hereby constituted a body corporate, by the name of the Ramapo Hunting and Villa Park Association, to be located in the county of Rockland, to promote, encourage and sustain, by proper means, the propagation and preservation of fish and game, and the creation of a mountain villa park. Corporators.  
  
Corporate name and location.

§ 2. Said corporation shall have power to make and adopt a constitution and by-laws, and regulations for the admission of its members and their government, the division and number of its shares, the number and elec- By-laws, etc.

tion of its officers, and to define their duties, and for the regulation and safe keeping of its property, and, from time to time, to alter, modify or change such constitution, by-laws, rules and regulations; and until an election shall be held pursuant to such constitution, by-laws, rules and regulations, the persons named in the first section of this act shall be the officers of the corporation hereby created.

First officers.

Amount of real estate company may purchase, etc.

§ 3. Said corporation may purchase, lease, hold or sell any real estate or personal property in this State, or the State of New Jersey, necessary and proper for the purposes of its incorporation; provided, they shall not hold any real estate the value of which shall exceed two hundred thousand dollars.

Villa sites.

Liability of shareholders.

§ 4. Said corporation may sell or set off to each share, or to each member, holder of a share of said corporation, a villa site within the boundaries of said park of not exceeding two acres each, but the aggregate of such villa sites shall not be more than one acre in twenty of the land owned by the corporation; such villa sites shall not be liable in any way for the debts of the corporation. There shall be no personal responsibility for the debts or other liabilities of said corporation on the part of the shareholders or officers thereof, but the whole property of the corporation shall be liable for its debts in the same manner and to the same extent as the property of private persons.

Licenses.

Game laws.

Members may be expelled, etc., for cause.

§ 5. The corporation may issue licenses to any person or persons to hunt, fish, shoot or take game, or to go upon its property at such times and under such regulations as may be prescribed by its by-laws. It may, through its board of directors, make its own game and fishing laws, and prescribe the penalties for their violation, or any of them, and may add to, repeal or change the same, from time to time. Such game laws shall be applicable only to the land or water actually owned or leased by said corporation. It may declare forfeited the interest of, and expel from the corporation, any member for willful infraction of its by-laws, rules and regulations.

axes.

§ 6. The taxes to be imposed upon the said corporation shall not exceed the rates imposed upon other wild

lands in this State, and the value of any buildings which it may erect upon its property, both of which taxes shall be assessed in the same manner, and at the same rate as other taxes are assessed in this State.

§ 7. The corporation shall have the right to select among its game-keepers any number, not exceeding ten, who shall be provided with an appropriate badge, and who shall have all the right and authority of a deputy sheriff, or a constable, within the limits of the property owned or leased by the corporation, and shall also have the same power and authority within the limits of the county wherein its property is situated, in all matters touching the rights of the corporation, trespasses upon its real property, or interference with its game laws, or other rules and regulations. And it shall be the duty of the sheriff of the county to deputize such game-keepers, not exceeding the number aforesaid, as deputy sheriffs; their appointments to continue so long as they shall be employed by said corporation and no longer. Such deputy sheriffs shall be entitled to no fees or reward, except such as shall be paid them by the corporation, and the corporation shall pay the sheriff of the county five dollars for each deputy sheriff so appointed.

Game-keepers.

Powers of.

Sheriff to deputize game-keepers as deputy sheriffs.

Sheriff's fees.

§ 8. All persons are forbidden to enter in or upon, or to hunt, shoot, or fish in or upon, the lands or waters, owned or leased by said corporation, unless authorized to do so by said corporation, and any person who shall be found guilty of violating the provisions of this section, shall be deemed guilty of a misdemeanor and shall be fined not less than ten dollars or more than fifty dollars, in the discretion of the judge, court or magistrate before whom he or she shall be tried, for the first offense, and shall be fined not less than twenty dollars, and not more than one hundred dollars, for each additional offense.

Persons forbidden to enter upon, etc., lands of company.

Penalty.

§ 9. In addition to the penalties provided in the last section, the following penalties are imposed for the following offenses:

Additional penalties.

1. Any person who shall, without permission of the corporation, enter in or upon any portion of the lands or waters which it owns or leases, provided, such lands

Trespassing upon lands.

Proviso as  
to signs.

or waters are inclosed in a substantial fence, and provided there are signs, or placards, near such fence, and not more than one half mile apart, warning trespassers against entering, shall upon conviction, forfeit the sum of twenty dollars for the first offense, and fifty dollars for each additional offense.

Shooting  
or fishing  
upon  
lands.

2. Any person who shall without permission as aforesaid, shoot, fish, hunt, or attempt to shoot, fish or hunt, upon the lands owned or leased by said corporation, inclosed as aforesaid, or who shall be found therein, with any line, rod, reel, net, gun, or any implement, weapon, tool or engine, intended or used for the killing or taking of fish or game, shall, upon first conviction thereof, forfeit the sum of thirty dollars, and upon any subsequent conviction, the sum of sixty dollars.

Killing  
deer, etc.

3. Any person who shall, without permission as aforesaid, kill any deer or four-footed other animals (except hares and rabbits, and other smaller animals) upon the property owned or leased by said corporation, shall forfeit the sum of forty dollars for each offense.

Killing  
wild tur-  
keys, etc.

4. Any person who shall without permission of said corporation, kill any wild turkey or other game bird, of a species of which the average weight, at full growth, is two pounds or upwards, upon the property owned or leased by said corporation, inclosed as aforesaid, shall forfeit the sum of ten dollars for each offense.

Killing  
game  
birds, etc.

5. Any person who shall, without permission as aforesaid, kill any game bird of a species of which the average weight, at full growth, is less than two pounds, or any hare or rabbit, or other smaller animal, upon the property owned or leased by the corporation, shall forfeit the sum of five dollars for each offense.

Taking  
fish.

6. Any person who shall, without permission as aforesaid, catch, kill or take fish upon the property owned or leased by said corporation, and upon which there shall be signs, or placards, notifying trespassers as aforesaid, shall forfeit the sum of two dollars for each fish, and an additional fine of five dollars for each and every pound of fish so caught, killed or taken.

Destroy-  
ing fences,  
etc.

§ 10. Any person who shall willfully injure or destroy any fence, building or other property of the corporation (other than game birds, animals and fish as aforesaid)



or shall set fire to any woods owned or leased by it, shall, upon conviction, forfeit a sum not less than one hundred dollars, and not more than one thousand dollars, at the discretion of the tribunal before whom he or she may be tried. Any person who shall permit any dog belonging to him, or over which he has control, to be in or upon the property owned or leased by said corporation, unless by permission of said corporation, shall, upon conviction, forfeit the sum of twenty dollars; and the officer, agent or employee of the corporation may seize any dog found upon its premises, and detain it until the fine aforesaid is paid, or may destroy any dog found therein.

Permit-  
ting dogs  
to be in or  
upon  
property.

§ 11. The laws of the State relating to fish or wild animals shall not be applicable to any of the territory owned or leased by said corporation, except that any person not authorized by said corporation to take game or fish within its boundaries, who shall do so contrary to the laws of this State, shall be liable to the penalties provided by said State laws in addition to the penalties provided by the game laws of the corporation.

Laws of  
this State  
relating to  
fish, etc.,  
how far  
applica-  
ble.

§ 12. Any person charged with any offense aforesaid, or any violation of the by-laws, rules and regulations of the corporation, may be tried before any justice of the peace, magistrate, or other court having jurisdiction of criminal offenses within the county, and, upon conviction, shall be fined to the extent prescribed by this act, with the costs, and shall be committed to the county jail until the fine be paid, the time of such imprisonment, however, not to exceed one day for each dollar of fine unpaid. In case he or she pays the fine, one-half thereof shall be paid to the informer, and the balance to the treasurer of the county to the use of said county, and in all cases of prosecution under this act, the party making complaint, or the informer, shall be a competent witness on the trial.

Persons  
charged  
with vio-  
lations of  
this act  
where  
triable.

Fines,  
how dis-  
posed of.

§ 13. Nothing herein contained shall limit or abridge the rights of said corporation to bring civil action for trespass or damage to its property, real or personal, in any action for damage done to any fence, building, or animal, or any property of the corporation, the damage shall not be confined to the actual damage of the prop-

Civil  
actions  
for tres-  
pass.

erty injured or destroyed, but if such damage is willful or malicious, triple damage shall be awarded, and the jury may also award such damages as they may deem proper.

General  
powers.

§ 14. Such corporation shall possess the general powers and be subject to the restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 15. This act shall take effect immediately.

## Chap. 872.

AN ACT in relation to the Croton aqueduct and other public works in the city of New York.

Passed June 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sioner of  
public  
works to  
extend  
water-  
pipes or  
conduits.

SECTION 1. The commissioner of public works in the city of New York is hereby authorized to extend the pipes or conduits directed to be laid by an act entitled "An act in relation to the Croton aqueduct of the city of New York," passed April fifteen, eighteen hundred and seventy, so as to make the connection therein provided for between Ninety-second street and Ninety-third street. And the said commissioner of public works is hereby directed to complete said work within two years from the passage of this act.

When to  
be com-  
pleted.

To ac-  
quire title  
to lands  
between  
92d and  
93d streets  
and at  
corner of  
113th st.  
and 10th  
avenue.

§ 2. The said commissioner of public works in the city of New York, for and in behalf and in the name of the mayor, aldermen, and commonalty of the city of New York, is authorized to acquire title to land situated between Ninety-second and Ninety-third streets, contiguous to the land now owned by it, and occupied for aqueduct and gate-house not to exceed in area four lots; also not exceeding four lots at the corner of One Hundred and Thirteenth street and Tenth avenue for the purpose of constructing a gate-house thereon.

To peti-  
tion for  
appoint-  
ment of  
commis-  
sioners of  
appraisal.

§ 3. The said commissioner of public works in the name of the mayor, aldermen and commonalty of the city of New York, may present a petition to the Supreme Court at any special term thereof held in the first judi-

cial department, praying for the appointment of commissioners of appraisal. Such petition shall be signed and verified by the said commissioner of public works, and shall contain a description of the lands or real estate to be acquired. The said commissioner of public works may also, if in his opinion best for the interests of said city, purchase at private sale for said city any or all of said lots without legal proceedings.

What to contain.

May purchase at private sale.

§ 4. Sections three, four, five, six, seven, eight, nine and ten of an act entitled "An act to facilitate the acquisition of lands for a new reservoir in the city of New York," passed June thirty, eighteen hundred and fifty-three, shall apply to this act in the same manner and with the same effect as if the same were enacted herein; but any motion or application by said sections of said act, required to be made at a general term of the Supreme Court, may, in the proceedings authorized by this act, be made at a special term of said court.

Certain provisions of law to apply.

§ 5. The said commissioner of public works is also authorized and directed to lease the land on the westerly side of the Tenth avenue, between One Hundred and Seventh street and One Hundred and Thirteenth street, to a line not to exceed one hundred feet distant from the westerly side of said avenue for a term of not to exceed two years, for the purpose of laying thereon temporarily pipes for the Croton water, while the work of removing the aqueduct from the said avenue between the said streets is being done. To meet and defray the expenses incurred by leasing said lands, also for the purchase of the lots authorized by section two of this act, the comptroller of the city of New York is authorized and required to provide the means therefor as authorized by section two of chapter two hundred and thirty of the Laws of eighteen hundred and seventy.

To lease certain land upon which to temporarily lay pipes.

Expenses how defrayed.

§ 6. The commissioner of public works in the city of New York is hereby authorized and directed to regulate, grade, pave, sewer and otherwise improve Laurens street or South Fifth avenue, from Canal street to Fourth street, also that portion of the street or avenue known as Church street, from Fulton street to Morris street by days' work, or by contract, or in such manner as the said commissioner of public works may deem

To regulate, grade, etc., portions of Laurens and Church streets.

Necessary  
expenses,  
how pro-  
vided for.

expedient, and the comptroller of the city of New York is hereby authorized and directed to borrow from time to time in the name of the mayor, aldermen and commonalty of the city of New York, by the issue of assessment bonds, bearing such rate of interest as he may deem proper, not exceeding seven per cent. per annum, such sums as shall be necessary to pay all expenses incurred or to be incurred as aforesaid; and all acts and parts of acts now in force in relation to regulating, grading, paving, sewerage and otherwise improving streets, avenues or roads in the city of New York, and the assessment and collection of the expenses for the same, which are not inconsistent with the provisions of this act, are hereby declared to be applicable to this act the same as if they were incorporated herein.

Powers of  
depart-  
ment of  
public  
works.

§ 7. The department of public works shall have and possess all the powers and functions heretofore and now possessed by the department of public parks in relation to the Boulevard (road or public drive), streets, avenues and roads above Fifty-ninth street, not embraced within the limits of any park or public place, and all provisions of law conferring powers and devolving duties upon the department of public parks in relation thereto, are hereby transferred to and conferred upon the said department of public works.

Comp-  
troller  
author-  
ized to  
issue  
assess-  
ment  
bonds.

How  
applied.

§ 8. In addition to the amounts authorized by existing laws, the comptroller of the city of New York is required to issue assessment bonds to the amount of one hundred thousand dollars annually, to be made payable within five years from date, at a rate of interest not to exceed seven per cent. per annum; the amount realized therefrom to be applied to the payment of the expenses incurred in the construction of sewers already built or to be built, and to provide the means to reimburse the city treasury for the advances made under the acts relative to sewerage and drainage in the city of New York, passed April twelfth, eighteen hundred and sixty-five, and the acts amendatory thereof, passed April thirteenth, eighteen hundred and sixty-six. The comptroller of the city of New York is authorized to issue the consolidated stock of the city of New York for the amount of such advances, and all the provisions of law now existing

To issue  
consoli-  
dated  
stock.

relative to the consolidated stock of the city of New York shall apply to the consolidated city stock herein authorized to be issued. The commissioner of public works of the city of New York is authorized and empowered to perform the work of cleansing the sewers, silt-basins and culverts connected with the sewerage system of said city, by contract, or in such manner as said commissioner may deem expedient, and all contracts heretofore made for doing any portion of said work are hereby confirmed and declared valid.

Cleansing  
sewers,  
etc.

§ 9. This act shall take effect immediately.

## Chap. 873.

AN ACT to establish and maintain an institution for the relief of indigent and disabled soldiers and sailors of the State of New York.

Passed June 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The twenty-one persons named in this section, and their successors, are hereby constituted a body corporate, by the corporate name of The New York Soldiers' Home, and invested with all the powers, rights, functions, duties and liabilities of corporations as the same are declared by the Constitution of this State and defined by title third of chapter eighteen of part first of the Revised Statutes, and by this act, to wit: Henry A. Barnum, John C. Robinson, Henry W. Slocum, William Johnson, John Hammond, James McQuade, William F. Rodgers, John B. Murray, James Jourdan, William M. Gregg, John H. Martindale, David C. Stoddard, Clinton D. McDougall, J. B. Kid-doo, Timothy Sullivan, Adolph Nolte, John C. Carmichael, N. M. Curtis, Joseph Forbes, James E. Jones, and Edmund L. Cole.

Corporate  
name.

Corpo-  
rators.

§ 2. The above-named persons, when qualified as herein provided, and their duly qualified successors, shall be the trustees of the said corporation; and shall hold office until their successors shall have been duly

First trus-  
tees.

To meet and draw lots for terms of office.

Secretary of State to draw for absentees.

Secretary to file certificate.

Ex officio trustees.

Three trustees to be annually appointed by Governor and Senate.

Vacancies, how filled.

Removals from office.

appointed and qualified. Within ten days after the passage of this act, the above-named persons shall meet in the office of the Secretary of State at Albany, and, in his presence, draw lots for terms of office; three to hold for one year, three for two years, three for three years, three for four years, three for five years, three for six years, and three for seven years, respectively, from the first day of May, eighteen hundred and seventy-two; and if any trustee be absent, the Secretary of State shall act as proxy and draw lots for such absentee. After the expiration of such terms of office, respectively, the succeeding full terms shall be seven years. The Secretary of State shall file in his office a certificate of the determination of the terms of office by lot as aforesaid, and furnish to each trustee a copy thereof, and each of said trustees shall take and file with the Secretary of State the constitutional oath of office, and thereupon they shall become the trustees of said corporation. The Governor, Attorney General and Comptroller shall be, ex-officio, members of said board of trustees.

§ 3. The Governor, by and with the advice and consent of the Senate, shall, annually thereafter, appoint three trustees of said corporation to take the places of those whose terms of office shall expire as provided in section two; he shall also, in like manner, fill any vacancy in the office of trustee of said corporation that may occur, other than by expiration of term of office, and any such appointment, made during the vacation of the Senate, shall be held valid until the action of the Senate thereon. Any trustee failing to qualify, as herein provided, within one month from notice of his appointment, shall be held to have declined said appointment, and the Governor may thereupon appoint another person to fill such vacancy. A trustee removing, permanently, from the State shall be held to have vacated his said office; and for misconduct, neglect of duty, or any act or acts showing the unfitness of any trustee to fill such office, such trustee may be removed from such office, by the Governor, on the written application for such removal of two-thirds of the members of such board, setting forth the grounds of such appli-

cation for removal; but a copy of such application for removal shall be served on the trustee so recommended for removal, and he shall have reasonable time and opportunity to be heard on his own behalf, before the Governor, upon the question of such removal.

§ 4. The said trustees shall, from their own number, by a majority ballot or vote, choose one trustee to be president, another to be secretary, and another to be treasurer, and when thus organized, said board shall have the power, and it shall be their duty, to establish, organize, control and manage an institution under the said name of The New York Soldiers' Home, for the relief, maintenance, support and protection of meritorious invalid or disabled persons who served in the army or navy during the war of the rebellion, and were honorably discharged therefrom, and who were enlisted in the State of New York, or, if enlisted elsewhere, shall have been a resident of said State for four months, at the time of such person's application for admission to said institution; the board of trustees to have the discretionary power to decide upon the acceptance of every applicant for admission to the benefits of said institution, and to dismiss for misconduct or other adequate cause, any of the persons admitted to said institution. The treasurer of such corporation shall, before entering upon the duties of the office, execute and file, in the office of the Comptroller of the State, his bond, with such sureties and in such penalty as shall be approved by the Comptroller, with the condition that he shall well and faithfully perform and discharge the duties of treasurer of said corporation, and well and truly account for, pay over and deliver to the persons legally entitled to the same, or to said corporation, all moneys, securities and property which shall come to his possession or control as such treasurer.

§ 5. The said board of trustees shall appoint a governor, lieutenant-governor, surgeon, chaplain, steward and such supernumeraries as they may deem necessary for the proper internal management of said institution, and may remove these officers and supernumeraries, or any of them, at their discretion. These officers and supernumeraries shall be persons who served in the

Officers of  
board of  
trustees.

Trustees  
to estab-  
lish an  
institu-  
tion for  
relief,  
etc., of  
invalid  
soldiers  
and  
sailors.

Treasurer  
to give  
bonds.

Officers of  
institu-  
tion.

Qualifi-  
cations of.

Rules.

army or navy of the United States during the war of the rebellion, and who have been honorably discharged therefrom, preference being giving to those who were disabled by wounds or otherwise during their term of service. The said board of trustees shall establish such rules as they may deem necessary for the government of said institution and the admission of inmates, not inconsistent with the provisions of this act.

Corporate powers.

§ 6. The corporation hereby created shall have power to receive and disburse funds, and to purchase or take, by gift, deed or devise, bequest or otherwise, any real or personal estate for the uses or purposes of said corporation, and shall have full power to grant, bargain, lease, incumber or dispose of the same or any part thereof; provided, however, that all moneys arising from any such grant, lease, incumbrance or disposal, shall be appropriated to the objects and purposes of said corporation, and all gifts, bequests, donations, purchases, sales, leases or incumbrances, shall be immediately reported to the Comptroller of the State, and shall be set forth in detail in their annual report; and the title to all real estate acquired by said board of trustees for the said institution shall vest in the State of New York. All donations and contributions to the said corporation (except such lands as shall be appropriated as the site for said institution) shall be converted into money, and be invested in the public stocks of the United States, the State of New York, or of any of the cities of the State, and shall form the capital of an endowment fund, to be known as "The New York Soldiers' Home Endowment fund," the income of which only may be used and applied to defraying the current expenses of said institution. The board of trustees of said corporation shall be the trustees of said fund, and shall have power to make all necessary agreements and contracts, and to take all necessary and proper legal proceedings to protect and administer said fund for the purposes intended by this act. It shall be the duty of the Comptroller of the State, at least four times in each year, and as often as he shall deem proper, to examine, or cause to be examined, the books, accounts, vouchers, correspondence, papers and property of said corporation, and express

To report to Comptroller.

Donations, etc., how invested.

Comptroller to examine books, etc., of corporation.



annually, in his report to the Legislature, his opinion upon the management and transactions of said trustees, with such suggestions as shall appear to him to be necessary and proper.

§ 7. The board of trustees may procure, by purchase, lease, or donation, an appropriate site for buildings for said institution in a rural, agricultural district, with a proper quantity of land, and may thereon construct, or cause to be constructed, appropriate and commodious buildings and structures for the institution, and finish and furnish the same ready for use.

Site for  
buildings.

§ 8. The board of trustees shall hold regular meetings at least once in three months, and such other meetings by adjournment or upon the call of the president as shall be required for the proper and efficient management of the affairs and business of the corporation; and the president shall, upon the written request of any five of the trustees, call a special meeting of the board, for the purpose of transacting such business only as shall be stated in said written request, a notice of which shall be duly served in writing upon every member of said board. Said trustees shall receive no compensation for their services as such trustees except the actual traveling expenses incurred in attending the meetings of the board, and except a just compensation to one of their number who shall be selected as treasurer, to whom reasonable compensation may be allowed, to be fixed by the board of trustees.

Meetings.

Trustees  
not to  
receive  
compensation.

§ 9. The board of trustees shall annually make a report of all the transactions and business of said corporation, including an itemized, fiscal account of all receipts and expenditures for the year ending on the first day of December in each year; which report shall, on or before the fifteenth day of December in each year, be transmitted to the Governor, to be by him submitted to the Legislature.

Annual  
report.

§ 10. This act shall take effect immediately.

## Chap. 874.

AN ACT in regard to union free school district number one in the town of Milton, and to enlarge its boundaries, and authorize the board of education thereof to raise money to purchase sites, and to build or purchase school-houses.

Passed June 3, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Description of  
Union free  
school  
district  
number  
one in  
town of  
Milton.

SECTION 1. Union free school district number one, in the town of Milton, is hereby enlarged so as to include within its boundaries all that part of the towns of Milton and Ballston, Saratoga county, herein contained, to wit: Beginning at a point in the town line between the towns of Milton and Saratoga Springs, where the track of the Rensselaer and Saratoga railroad crosses the said town line; thence along the said town line south to the northeast corner of the town of Ballston; thence south along the town line between the towns of Ballston and Malta to a point in said town line due east from the southeast corner of the corporate limits of the village of Ballston Spa; thence due west to the said southeast corner of the corporate limits of the village of Ballston Spa; thence west along the south line of the village of Ballston Spa to the southwest corner thereof; thence due west from the southwest corner of the village of Ballston Spa to a point due south from the point in the town line between the towns of Milton and Ballston where the highway leading south from the house of Cornelius W. Leversee to the house of James Connor, intersects said town line; thence due north to said point of intersection; thence north along the center of said highway to the northwest corner of the dwelling house in said town of Milton, now occupied by Cornelius W. Leversee; from the northwest corner of said dwelling house, due east, to the southerly bank of the Kayaderoseras creek; thence along the said southerly bank to the dam across said creek, belonging to what is known

as the "Chapman factory;" thence along said dam across said creek to the northerly bank thereof, from the northerly bank of said creek at the end of said dam, in a straight line, to the rear end of the line between lots eighty-five (85) and eighty-six (86), as laid down on a "map of lands owned by Blood and Thomas" (said map was filed March ninth, eighteen hundred and fifty-two, in the Saratoga county clerk's office, and reference is had to the same in this description); thence along the line between said lots eighty-five (85) and eighty-six (86), and along the line between lots thirty-two (32) and thirty-three (33), and lots two hundred and thirty-two (232) and two hundred and thirty-three (233), to the southerly point of lot one hundred and eighty-nine (189), as laid down on said map, thence nearly north, along the rear line or west end of lots on said map, numbered consecutively from ninety-four (94) to one hundred and twelve (112), and to the center of the highway running east and west by, and forming the north bounds of said lot one hundred and twelve (112); thence along the center of said highway, east, to the center of the highway running northerly by the east end of said lot one hundred and twelve (112); thence along the center of said highway, northerly, to a point in the same, which is due west from the place of beginning; from said point due east to the place of beginning; the said district so enlarged shall be known and designated as "Union Free School District Number One, Milton."

§ 2. The inhabitants of the said district so enlarged, are hereby declared subject to all the duties, burdens and obligations, and are entitled to the same benefits and privileges which the inhabitants of the present union free school district number one now have and enjoy; and the present board of education of said union free school district number one shall be and continue during the respective terms of office for which they have been elected the board of education of such enlarged district; but nothing herein contained shall affect any liability or claim which may have accrued previous to the passage of this act. As the terms of office of the respective members of said board of edu-

Inhabitants,  
duties of,  
etc.

Present  
members  
of board  
of educa-  
tion con-  
tinued.

Successors,  
how  
elected.

cation shall expire, their successors in office shall be elected, pursuant to the provisions of title nine, chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four.

Title to  
real estate  
vested in  
board of  
educa-  
tion.

§ 3. The title to all the real and personal estate, appertaining to the school herein mentioned, shall be vested in the board of education, and the said board of education shall be a corporate body in relation to all the powers and duties conferred upon them by virtue of the provisions of this act, and a majority of the board shall form a quorum.

Meetings.

§ 4. The said board of education shall meet for the transaction of business as often as once in each month, and may adjourn for any shorter time. Special meetings may be called by the president, or, in his absence or inability to act, by the secretary or any other member of the board, as often as necessary, by giving personal notice to each member thereof, or causing a written or printed notice to be left at his place of residence, at least twenty-four hours before the hour of meeting. And if any member of the said board shall refuse or neglect to attend any three successive stated meetings of the board, and if no satisfactory cause of his non-attendance be shown, the board may declare his office vacant. No member of said board shall receive any pay or compensation for his services. It shall not be lawful for any member of said board to become a contractor for building, or making any improvement or repairs authorized by this act, or be in any manner, directly or indirectly, interested, either as principal, partner or surety, in any such contract. All contracts made in violation of this provision shall be absolutely void, and the person violating shall forfeit the sum of five hundred dollars, to be prosecuted for and received and used by said board for school purposes.

Members  
not to  
receive  
compen-  
sation nor  
be inter-  
ested in  
contracts,  
etc.

Vacan-  
cies, how  
filled.

§ 5. In case of a vacancy in any elective office mentioned in this act, occasioned by the death of such officer, his removal from the district, refusal to serve, his incapacity, or any cause other than the expiration of the term of office of persons so elected, said board of education may make an appointment to fill such vacancy. The officer so appointed shall hold his office until the

next annual election, when the inhabitants shall fill such vacancy by an election for the unexpired term thereof.

§ 6. Notices for annual meetings and all other meetings of said district shall be given by the board of education, at least ten days before such meeting, by publishing such notice once in each of the newspapers printed in the village of Ballston Spa, and by posting the same on the door of each school house in said district.

Notices of meetings, how given.

§ 7. Said board of education, and the clerk, the librarian, and the collector of said district, shall severally possess all the powers and be subject to all the duties and liabilities in respect to all the schools in said district, that the trustees and other officers of common schools now possess or shall be subject to by law, and such other powers and duties as are given or imposed by this act.

Powers of board, clerk, librarian and collector.

§ 8. Each member of said board shall visit all the schools in said district, at least twice in each year of his official term, and said board of education shall provide that each of said schools shall be visited by a committee of three or more of their number at least once in each term.

Members to visit schools.

§ 9. When any officer of the said union district, or of the said board of education, shall have paid any moneys in or about the prosecution or defense of any suit commenced by or against him, in the discharge of the duties of his office, or for acts done by color thereof, it shall be the duty of said board of education, unless it shall appear to them that the same were paid in consequence of the willful neglect or misconduct of the claimant, to ascertain the amount thereof by the best means in their power, and to cause the same to be assessed upon and collected of the taxable inhabitants of said district, in addition to the sums authorized to be raised for school purposes in said district by this act, and when so collected to pay over the same to the person entitled thereto by virtue of this act.

Moneys paid by officers in prosecution or defense of suits to be collected by tax and repaid.

§ 10. The treasurer shall be furnished by the board of education with necessary books in which to enter and keep his official accounts; and he shall keep a true account of all the moneys received and disbursed by him, and of the parties from whom he received and to whom

Duties of treasurer.

Moneys to be paid only on draft signed by president and countersigned by clerk.

Account of drafts.

Compensation.

To report.

Duty of clerk.

and for what purposes paid out. But no money shall be paid from the treasury except on a draft, signed by the president and countersigned by the clerk, and sealed with the seal of the board of education, in pursuance of a resolution of said board, which draft shall be made payable to the order of the person or persons entitled to receive said moneys, and shall state on its face the purpose or service for which the same is drawn. The treasurer shall keep, in a book furnished and prepared for that purpose, an accurate account of all drafts so drawn on and paid by him, stating the person to whom payable, and for what purpose and sum drawn and out of what fund payable. The drafts drawn on the treasurer shall be numbered consecutively, and the treasurer, in any question of priority of payment, shall pay all such drafts in the order of their respective numbers, unless otherwise specially directed by the board of education. The books of the treasurer, and also the proceedings of the board, shall at all times be subject to inspection and examination by the inhabitants of said district. The treasurer shall receive a compensation to be fixed by the board. He shall report in writing to the board of education, at least five days before each annual meeting, the aggregate sum of money received by him from all sources during the past year, in his official capacity, and the sums received on account of each particular fund, the amount disbursed by him, and to whom and on what account and for what purpose paid, and the amount remaining on hand, if any, with a statement of all drafts paid by him during said year, the person to whom and the fund out of which payable, respectively, which report shall be filed by the clerk with the official papers of the board. And, with each annual report, the treasurer shall return to the board the drafts paid by him during the preceding school year.

§ 11. The clerk shall keep in a book to be provided him for that purpose, an accurate account of all drafts drawn by the president on the treasurer; the person to whom payable, and the fund out of which the same is to be paid, and the purpose for which it is drawn. The said clerk, in addition to such other duties as are or may be imposed on him by law or required of him by the board,

shall keep a record of the proceedings of said board of education, which record or a transcript thereof, certified by the president and secretary, shall be received in all courts and for all purposes as presumptive evidence of the facts therein set forth.

§ 12. The said board of education is hereby authorized to borrow, from time to time, on the credit of said district, the sum of twenty thousand dollars, to be expended in purchasing, building or repairing school-houses in said district.

Board  
may  
borrow  
money.

§ 13. For the purpose of effecting such loan, and as evidence thereof, said board are authorized to issue the bonds or certificates of indebtedness of said district to the person or persons from whom the money may be borrowed, said bonds being issued only upon a resolution of the board, passed at a meeting thereof, at which at least a majority of its members shall be present, and shall be signed by the president and countersigned by the clerk of the board, and sealed with the seal of the board of education.

Certifi-  
cates of  
indebt-  
edness or  
bonds to  
be issued  
therefor.

§ 14. Said bonds shall not be negotiated at less than their par value. They shall bear interest at the rate of seven per cent., payable annually. Not more than one thousand dollars of the principal shall mature in any one year. The first installment of principal shall mature in the year one thousand eight hundred and ninety, and one thousand dollars principal annually thereafter, until all of said bonds are paid. And for the purpose of making such payments, said board is authorized and required annually, commencing in the year one thousand eight hundred and seventy three, to levy and collect, in the same manner as other school taxes are collected in said district, a sum sufficient to extinguish such amount of interest, or of such loan and interest as matures that year, in addition to all other moneys raised for said district.

Bonds,  
rate of  
interest,  
etc.

§ 15. The said board of education shall have power, and it shall be their duty:

Board of  
education  
to estab-  
lish aca-  
demical  
depart-  
ment to be  
known as

1. To establish and organize, whenever it shall be deemed advisable, an academical department, within said district, to be known by the name of "The Bulls-

The  
Ballston  
Acad-  
emy."

ton Academy," which school shall be subject to the visitation of the Regents of the University of this State, and to all laws and regulations applicable to the incorporated academies thereof, and shall be entitled to all the privileges of such academies, and to share in the distribution of the moneys of the literature fund of this State, the same as the other academies thereof.

Primary  
schools.

2. To establish and organize such and so many primary schools in said district, including for that purpose the common schools therein, as they shall deem requisite and expedient, and to alter and discontinue, or change and consolidate the same.

School-  
houses,  
etc.

3. To build, purchase or hire school-houses, rooms, lots or sites for school-houses, and to fence, improve, adorn and repair the same, as they may think proper.

Repair of,  
etc.

4. Upon such lots or sites, and upon any lots or sites, now owned by any school district within the limits of said union district, erected by this act, to build, enlarge, alter, improve, adorn and repair school-houses, out-houses and appurtenances, as they may deem advisable.

School  
furniture,  
etc.

5. To purchase, exchange, improve and repair school apparatus, globes, maps, furniture and appendages, books for the indigent pupils and for the school library, to provide fuel and lights, and defray the contingent expenses of the schools, of the board, the library and the salary of the librarian and clerk.

Custody  
of school  
property.

6. To have the custody and safe keeping of the school-houses, out-houses, and all the real and personal property belonging, or which shall belong, to said union school district and primary schools, and see that the ordinances and by-laws of said board, in relation thereto, be observed.

Employ-  
ment of  
teachers.

7. To contract with, and employ, teachers competent in the several departments of instruction; to remove them at any time for neglect of duty or immoral conduct, and to pay the wages of such teachers out of the moneys appropriated for that purpose.

Payment  
of.

8. To pay the wages of such teachers out of the public moneys and tuition fees received for that purpose, and the deficiency, if any, out of the moneys to be raised by tax for general purposes of education under this act.



9. To fix the rates of tuition fees in said academy and to designate some person or persons to whom the same may be paid.

Rates of  
tuition.

10. To have in all respects the superintendence, supervision, management and control of all the schools mentioned or contemplated in and by the provisions of this act, to prescribe the course of studies therein, the books to be used, and to establish a uniformity in respect to such course of study and books; from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules, regulations and ordinances for the organization, government and instruction of such schools, for the reception of pupils and their transfer from one school to another, for the expulsion of any pupil from any of said schools for misconduct, for the promotion of morals and good order in said schools, their prosperity and public utility, for the protection, safe keeping and care and preservation of school-houses, lots, sites, fences, ornamental trees and shrubbery, and other appurtenances, and all other property connected with or appertaining to such school-houses, and to cause such rules, regulations, ordinances and by-laws to be printed and published in such manner as they may deem best calculated to give general information thereof.

Superin-  
tendence,  
etc., of  
schools.

Rules, etc.

11. The said board of education shall have power, and it shall be their duty, to raise, from time to time by tax, upon all the real and personal estate within the bounds of said district which shall be liable to taxation for town and county charges, such sums of money as may be determined by resolution of said board to be necessary for any and all the purposes mentioned in this act, or to meet any deficiency for any purpose of education in said district, to provide for which power is hereby given to said board by the provisions of this act, or any law relating to common schools, or the rules, regulations or any order of the Superintendent of Public Instruction.

Taxes.

12. Said board of education shall at the commencement of each year make an estimate, by the best means in their power, of the amount of money which will be needed for all the purposes of education and other purposes provided for by this act over and above the

Estimate  
for.

Amount to  
be raised  
for teach-  
ers' wages.

public money and moneys to be received from the other sources, if any, and shall cause the same to be raised upon one assessment or warrant; and not more than two taxes for such purpose shall be raised in one year. The amount of money so to be raised for teachers' wages, to be raised in any one year shall not be less than the amount received from the State for the support of said schools for the year next preceding, nor shall more than four times that amount be raised by the board of education for such purpose unless such greater amount shall be authorized by a vote of the voters at school meetings of said school district at an annual or special meeting of such district, when they shall have power to vote such sum or sums as they may deem necessary for such purposes.

Primary  
and inter-  
mediate  
schools to  
be free.

§ 16. All the primary and intermediate schools and departments, and the academy in said school district, and which shall be under the charge of the board of education, shall be free schools, and no tuition shall be charged nor any rate bill made out for the tuition, in the regular or prescribed course of study of any pupils of lawful school age who are or may be actual residents of said free school district, but said board of education shall have power to establish or charge such rates of tuition as they shall see fit for non-resident pupils and for the instruction of all pupils in any branch of learning not embraced in the regular course of study prescribed by said board of education.

Tax lists,  
form of,  
etc.

§ 17. They shall, for all taxes raised by them, make out a list in the manner and form in which tax lists are or shall be required by law to be made by trustees of school districts, so far as such form is applicable, annex thereto a warrant in like form, signed by the president or majority of the members of said board, and deliver the same to the collector, which, when so made and signed, shall be as effectual to all intents and purposes as like tax lists and warrants when made by the trustees of common school districts in this State. Said board may, in respect to the collection of taxes, conform to the provisions of the twenty-ninth, thirtieth, and thirty-first sections of chapter one hundred and eighty of Session Laws of one thousand eight hundred

and forty-five, and require the collector to comply with the provisions of said sections so far as the same are applicable. Said board may make their warrants returnable at discretion, not less than thirty days, nor more than ninety days from the issuing thereof. The said board may assess, levy and collect the amount of taxes to be raised under the preceding sections, in not more than two annual installments. All moneys to be raised by virtue of this act, and all moneys by law appropriated to or provided for said districts, shall be paid to the treasurer of said board, who, together with the sureties on his official bond, shall be accountable therefor to the said board of education.

Warrants,  
when re-  
turnable.

§ 18. The said board of education shall annually make a like report, in all respects, as required from trustees of common school districts to the school commissioners. A copy of the reports of said boards of education shall be filed with the clerk or secretary of the board. The said board of education shall, at the close of each school year, publish in one or more of the village newspapers, a report of the moneys received and expended by them during the year, showing the sources from whence received and the objects of expenditure, and such other matters pertaining to public instruction in said district as they shall deem expedient.

Annual  
report.

To pub-  
lish report  
of moneys  
received  
and ex-  
pended.

§ 19. All the school property of said board of education, real and personal, while used for and appropriated to school purposes, shall be exempt from all taxes and assessments, and shall not be liable to be levied upon or sold by virtue of any warrant or execution. Said board of education, in their corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of said district or any schools under their charge. Said board shall not have power to sell, grant, dispose of or incumber said academy or school lots. No portion of the library money paid to said board of education shall be expended for teachers' wages, but shall be appropriated exclusively for the increase and benefit of the library and for school apparatus.

School  
property  
exempt  
from tax-  
ation.

Library  
money not  
to be ex-  
pended for  
teachers'  
wages.

Lands in  
district.  
how to be  
taxed.

§ 20. All the lands included in the bounds of said union district shall be subject to taxation therein under this act, without regard to the residence of the owners thereof, and the board of education may cause them to be returned to the county treasurer in the same manner as trustees of common schools are authorized to return unoccupied and unimproved real estate of non-residents of their districts for unpaid taxes assessed thereon. Said county treasurer shall pay to said board the amount of said taxes out of any moneys in the county treasury not otherwise specifically appropriated, and such proceedings, in all respects, shall thereupon be had in relation to such taxes and lands as required by law in relation to such lands when so returned by trustees of common school districts.

Tax to be  
a lien.

§ 21. The taxes imposed by the provisions of this act shall be a lien upon the lands taxed, to be enforced and collected by sale in the manner that county taxes are upon a return to be made by the collector to the treasurer of the county of all unpaid taxes in said district.

§ 22. Except as otherwise expressly provided in this act, the said district shall be regarded as organized under and subject to all the provisions of title nine, chapter five hundred and fifty-five of the Laws of eighteen hundred and sixty-four, and of any amendments thereto that are or may hereafter be made.

§ 23. This act shall take effect immediately.

## Chap. 875.

AN ACT to encourage and facilitate the construction of a railroad from the town of Edinburgh, Saratoga county, to the Mohawk valley, and the preparation of the natural products of the soil for market.

Passed June 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpo-  
rators.

SECTION 1. George F. Fowler may associate with him any number of persons and make and file articles of

association as prescribed by the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, for the purpose of constructing and operating a railroad from some point in the town of Edinburgh, in the county of Saratoga, to some point in the Mohawk valley, so as to connect with the New York Central and Hudson River Railroad, or the Erie canal, or both, and when so organized such corporation shall have the rights and privileges given by said act, and the acts amending the same, and be subject to the provisions thereof, except so far as the same are inconsistent with the provisions of this act.

Corporate powers and privileges.

§ 2. The said corporation, when so formed, shall be authorized, during the period of its charter, to convert and prepare for market the natural products of the forest, and to mine and prepare for market the iron and other ores and minerals upon its lands, and to transport, sell and dispose of the same, and may purchase, take and hold all such lands and real estate as the said corporation may require therefor.

Further powers.

§ 3. This act shall take effect immediately.

## Chap. 876.

AN ACT to authorize the towns of Portland, Chautauqua, Sherman, Clymer, or adjoining towns in the county of Chautauqua, to issue bonds in aid of the Buffalo, Corry and Pittsburgh Railroad Company, and to take the bonds of said company therefor.

Passed June 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On the application in writing of twelve or more freeholders, residents of either of the towns of Portland, Chautauqua, Sherman, Clymer, or any adjoining town in the county of Chautauqua, it shall be the duty of the county judge of the county of Chautauqua to appoint under his hand and seal, within ten

Commissioners to be appointed by county judge on petition of freeholders.

days after receiving such application, not more than three freeholders, residents of the town making such application, to be commissioners for such town to carry into effect the purposes and provisions of this act, as hereinafter provided, who shall hold their offices respectively for the term of five years, and until others shall be appointed.

Commiss-  
sioners to  
issue  
town  
bonds.  
Amount  
of limited.

§ 2. It shall be the duty of said commissioners to issue the bonds of their respective towns, under their hands and seals, to an amount not exceeding ten per cent. of the assessed valuation thereof, according to the last assessment rolls of said towns, for a term not exceeding twenty-five years, at a rate of interest not exceeding seven per cent. per annum. The bonds so to be executed may be in such sums and payable at such times and places, not exceeding twenty-five years, and in such form as the said commissioners may deem expedient. But no such bonds shall be issued by said commissioners of or for either of said towns until the written consent shall have been obtained of the tax-payers, or their legal representatives, representing a majority of the taxable property of such towns, and also a majority of the tax-payers appearing upon the assessment roll of such town immediately preceding the time when said consents are obtained. Such consent shall state the amount of money authorized to be raised in such town and shall be proved or acknowledged in the same manner as conveyances of real estate, and in case of proof, the certificate shall state that the subscriber stated in the presence of the witness that he knew the contents of the instrument so subscribed by him. The fact that the persons signing said consent represent a majority of the taxable property of such town, including lands owned by non-residents, shall be proved by the affidavits of one of the assessors or town clerk of such town, indorsed upon or annexed to such written consent; and the assessor or town clerk of such town is hereby required to perform such service. Such consent and affidavit shall be recorded in the clerk's office of Chautauqua county, and a certified copy thereof filed in the town clerk's\* of such town, and the same, or a certified copy thereof by the county clerk

When to  
be issued.

Consent to  
state  
amount,  
etc.

Facts to  
be proved,  
etc.

To be re-  
corded.

\* So in the original.

shall be presumptive evidence of the facts therein contained, and certified in any court of this State before any judge or justice thereof.

§ 3. The said bonds when so issued shall be delivered by said commissioners to the Buffalo, Corry and Pittsburgh Railroad Company or to such agent or agents as that company may direct, upon the terms and conditions following and not otherwise: upon the delivery of any of the said town bonds by said commissioners the said railroad company shall at the same time deliver to said commissioners, bonds to an equal amount of the Buffalo, Corry and Pittsburgh Railroad Company, of the class and description known as first, second, or third mortgage bonds, which shall be payable, principal and interest, at or before the times of payment of the said town bonds and at the same rate of interest. The mortgage security shall be a lien and incumbrance according to its priority on all the corporate real property and the franchises of the said railroad company which it may have at the time of the execution of such mortgage, and all which it may thereafter acquire, for an amount sufficient to pay said bonds, principal and interest.

Bonds to be delivered to Buffalo, Corry and Pittsburgh R. Co.

Conditions.

Mortgage security to be a lien.

§ 4. The said commissioners respectively authorized by this act shall report to the board of supervisors of said county of Chautauqua, within three days after the commencement of their regular annual session in each year, the amount required to pay principal or interest, if any, on the said bonds authorized to be issued under and by virtue of this act, due or to become due and payable during the next current year. The moneys arising from the bonds of said railroad company shall be received by said commissioners and by them applied to the payment of the principal and interest which shall, from time to time, accrue upon the bonds authorized by this act; and in case such moneys received from said company shall in any one or more years be found insufficient to pay the principal and interest accruing on said bonds due and to become due, as aforesaid, it shall be, and is hereby made, the duty of said board of supervisors, and they are hereby authorized and required to cause to be assessed and levied and collected

Commissioners to report to board of supervisors.

Moneys received from R. R. bonds to be applied by commissioners to payment of town bonds.

Deficiency to be raised by tax.

of the real and personal property of said town, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said board of supervisors by the said commissioners authorized by this act, to be necessary to make good such deficiency in the payment of the said principal and interest on the said bonds; and the same, when collected, shall be paid to said commissioners respectively, and by them applied to the payment of the principal and interest on said bonds, or so much thereof as shall remain unpaid after the application of the moneys arising from the bonds of said railroad company to that purpose.

Commis-  
sioners to  
give bonds  
with sure-  
ties.

§ 5. Before the said commissioners or either of them shall enter upon the discharge of their duties under this act, they shall jointly and severally, with two or more sureties, execute to the supervisors of their respective towns a bond in the penal sum equal to the amount to be issued by said towns, under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys or bonds issued by them or coming into their hands according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by the supervisors of the said towns respectively, or by the county judge of Chatauqua county, to be indorsed on said bonds. The said bonds shall immediately thereafter be deposited with the supervisor of each of said towns, to be collected by him or his successor in office, for the use and benefit of said town, in case the said commissioners or either of them are guilty of such a breach of duty or malfeasance in office as to render said bond collectable.

Approval  
of.

Vacancies, how  
filled.

§ 6. In case a vacancy shall happen by reason of death, removal from said town, resignation or refusal to serve or otherwise, of either of said commissioners provided for in this act, the vacancy shall be filled by the remaining commissioners of the town in which the vacancy so exists, by appointment in writing, to be deposited with the supervisor of said town. Each and every person thus appointed shall, before he enters upon the discharge of his duties, execute and deliver to said



supervisor a bond in like amount, with like conditions and securities as hereinbefore provided; and all provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers and duties and liabilities shall be the same as those of the commissioners first appointed under this act.

§ 7. Each of the said commissioners shall receive the sum of three dollars per day for each day actually engaged in the discharge of his duties under this act, and his necessary disbursements, to be audited and paid by the said town the same as other town expenses.

Compensation of commissioners.

§ 8. The commissioners in each of said towns shall constitute a board to act for their said town respectively, and a majority of the said commissioners in each of said boards shall constitute a quorum to do any business authorized by this act.

Quorum.

§ 9. On the expiration of the term of office of either of the commissioners provided for in this act, or of their successors, his place shall be filled in the manner provided in the first section of this act; and the commissioners so appointed, as well as those to be appointed under the sixth section of this act, shall be residents and freeholders of the town for which they are to act as such commissioners.

Qualifications of etc.

§ 10. All bonds issued in accordance with the provisions of this act shall be registered in the office of the county clerk of Chautauqua county, and the words "registered in the county clerk's office" shall be written or printed across the back of each bond, attested by the signature of the county clerk when so registered; and no bond shall be valid unless so registered.

Town bonds to be registered.

§ 11. This act shall take effect immediately.

## Chap. 877.

AN ACT to incorporate the Fresco Painter's Benevolent and Protective Union, of the city and county of New York.

Passed June 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

SECTION 1. Arthur Dieter, Bernhard Koenke, August Kirk, Friedrich Rautenberg, John Haberstroh, Heinrich Roseneky, Henry Collenberg, Philip Sulzer, Adolph Nipper, Christian Broders, Friedrich Ritterbusch, John Carztens, Joseph Piel, Franz Reichstadt, Hans Bornhagen, Julius Johnson, and such other persons as now are or hereafter shall become members of said union, are hereby constituted a body corporate by the name of the Fresco Painter's Benevolent and Protective Union of the city and county of New York, for the purpose of mutual aid, protection and support, and for the promotion of social intercourse, and the private and general interests of the members thereof.

Corporate name and object.

By-laws, etc.

§ 2. The said corporation shall have the power to make and adopt a constitution and by-laws, rules and regulations for the purposes, object and government thereof, for the admission and regulation of members, for the regulation and payment of all fees and dues, and for the management of its funds and property; and from time to time to alter, modify or repeal such constitution, by-laws, rules and regulations; and it may purchase and possess any real estate not exceeding twenty thousand dollars.

§ 3. The corporation shall have power to prescribe terms and regulations upon which persons not members may participate in the benefits of such corporation.

Business, how and by whom to be managed.

§ 4. The business, property and affairs of said corporation shall be under the general control and management of a board of managers, and the said corporation shall, in and by their said constitution, prescribe the power and duties of such board of managers, and of such other officers as may be deemed necessary, and the rules and

regulations for the election, succession and action of such board of managers and other officers. The sixteen persons first named in the first section of this act shall be the first board of managers, and shall continue in office until others are so elected in their stead respectively.

First managers.

§ 5. The location and place of business of said corporation shall be in the city of New York.

Location.

§ 6. The said corporation shall possess all the powers and be subject to the provisions of title third, chapter eighteenth, part first of the Revised Statutes, so far as the same are applicable.

General powers.

§ 7. This act shall take effect immediately.

## Chap. 878.

AN ACT to repeal an act entitled "An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvil creek," passed April fifteenth, eighteen hundred and seventy-one, so far as relates to the survey of the towns of East Chester and Westchester, in the county of Westchester, and to amend the same in other respects.

Passed June 9, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-one, entitled "An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvil creek," passed April fifteenth, eighteen hundred and seventy-one, except as to the provisions providing bridges and tunnels across the Harlem river, is hereby repealed so far as relates to the survey

Chapter 534. Laws of 1871, so far as the same relates to survey of East Chester and Westchester, repealed. Exemption.

of the towns of East Chester and Westchester, in the county of Westchester.

Expenses,  
etc., in-  
curred,  
how  
audited  
and paid.

§ 2. All expenses and liabilities incurred under said act shall be audited and paid by the department of public parks of the city of New York out of money to be furnished by the town for which such expense has been incurred, and if sufficient money for such purpose shall not have been raised in such town and paid over to said department prior to the passage of this act, it shall be the duty of the supervisor and town clerk of such town, on the requisition of said department, to issue certificates of indebtedness, payable to the order of said department, to an amount necessary to pay such expense and liabilities, which certificates shall draw interest from the date of said requisition, and shall be paid by said town within one year from such date, and the board of supervisors of the county of Westchester shall assess upon said town the sums necessary to pay such certificates, with the interest thereon, when they become due.

County  
judge to  
act if  
there be  
no chair-  
man of  
board of  
super-  
visors.

§ 3. If at any time there shall be no chairman of the board of supervisors of said county of Westchester, the county judge of said county shall act in his place and stead in all proceedings under said act until a chairman shall be appointed, and the acts of said judge shall have the same force and effect as though performed by said chairman-

## Chap. 879.

AN ACT to amend an act entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation, passed May fifth, eighteen hundred and seventy.

Passed June 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of title two of an act entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation, passed May fifth, eighteen hundred and seventy, is hereby amended to read as follows:

§ 1. The officers of said village shall be nine trustees, one from each ward, who shall be residents, legal voters and freeholders, within the ward for which they shall respectively be elected trustees. Officers.

§ 2. Sections two and twelve of title two are hereby amended by striking out therefrom the words "street commissioner." Certain words stricken out.

§ 3. Section one of title five is hereby amended by striking out the words "one thousand two hundred dollars," and inserting in lieu thereof, the words "eight hundred dollars." Section 1, title 5, amended.

§ 4. Title eight is hereby amended to read as follows:

1. Each of the trustees of said village shall in turn, as designated by the president, including himself, serve at least one month in each year as street commissioner, but shall be under the direction of the board of trustees, Trustees in turn to act as street commissioners.

who shall determine what action if any, shall be taken as to any street, avenue or highway in said village.

Powers and duties, when acting as such.

2. The trustee of each ward acting as street commissioner shall, under the direction of the board of trustees, exercise a general superintendence over the roads, avenues, streets, lanes, gutters, bridges, culverts, sewers, drains, pumps and public places of the ward, superintend all public improvements made thereon, and cause all obstructions, incumbrances and nuisances to be removed therefrom; he shall notice and report to the president all violations of the laws and ordinances relating to the same, and shall perform such other duties relating thereto, as the board of trustees may from time to time prescribe.

Work, etc., under whose direction to be done

Duty of trustee.

§ 3. All work of every description done or performed at the expense of the village on any road, street, avenue, lane, public place, sidewalk, bridge, culvert, pump, gutter, sewer or drain, shall be done under the direction and superintendence of the trustee of the ward in which such work is performed. It shall be the duty of said trustee to examine all such work, and, when completed, give his certificate, in such case, upon such examination, that the work or materials included in any bill or claim has been actually done or furnished, and that the amounts charged for the same are fair and reasonable prices. No work, involving an expenditure of more than twenty-five dollars shall be done or ordered unless by express direction and resolution of the board of trustees.

No work to be done unless ordered by trustees.

Not lawful to pay for work unless upon certificate.

§ 4. It shall not be lawful for the board of trustees to pay for any work authorized to be done by the preceding sections, except upon the certificate therein provided for.

§ 5. Section seven of title nine is hereby amended to read as follows:

School commissioner to appoint trustees of school districts.

§ 7. The school commissioner of the county of Richmond, shall, as soon after the passage of this act as possible, by appointment in writing under his hand, appoint three competent and qualified residents in each of the school districts within the limits of the said village as trustees of said school district, which appointment shall be immediately filed in the office of the district clerk in

each of said districts. The persons so appointed trustees shall hold their office respectively until the next annual meeting in each of said districts, and shall have and possess the same powers as are conferred on boards of education in union free school districts, under and by virtue of section thirteen of title nine of chapter five hundred and fifty-five of the Laws of the State of New York for the year eighteen hundred and sixty-four, passed May second, eighteen hundred and sixty-four, and they shall make provisions for the support and maintenance of said school in each of said school districts, and for that purpose shall call a special meeting of the persons liable to taxation for school purposes therein in the same manner and upon the same notice as is required by law for annual meetings in school districts of this State, and all the provisions and requirements of the laws relating to annual meetings are hereby, as far as is practicable, made applicable to said special meetings herein provided for in each of said school districts. Sections eight and nine of said title are hereby repealed, and the subsequent sections of said title are hereby amended so that the same shall be numbered from seven consecutively.

Terms of  
office of.

Powers  
and  
duties of.

To call  
special  
meetings.

Numbers  
of sections  
changed.

§ 6. Section twelve of title nine is hereby amended to read as follows:

§ 12. The board of trustees shall have power to control and regulate the sale of strong and spirituous liquors, wines, ale and beer within the village; to grant licenses therefor, and to fix the sum per annum to be paid for such licenses; and all moneys received for such licenses shall be paid over to the several school districts within such village for the support of the schools therein, in proportion to the number of children in each district, in the same manner as the State public school fund is distributed.

Board of  
trustees to  
regulate  
license,  
etc., sale  
of liquor.

Excise  
money to  
be paid  
for support  
of schools.

§ 7. Said title is hereby further amended by adding the following section thereto:

§ 13. To appoint and remove at pleasure one marshal for the village; said marshal shall have and exercise within said village all the powers which constables now have in Richmond county, and which police-

Appoint-  
ment and  
powers of  
marshal.

Compensation of.

Duty of.

What persons to be arrested without warrant.

Section 3, title 11, amended.

men now have within the metropolitan police district, and in criminal cases shall also execute all writs, processes and judgments of the police justice, or of any justice of the peace, acting instead of the police justice as hereinbefore provided, and all lawful orders of the president and of the board of trustees. The compensation of such marshal shall be fixed by the board of trustees at the time and in the manner herein provided, but shall not exceed one thousand dollars per annum for all services performed by him. The salary of the marshal hereby authorized shall be paid out of the village treasury. It is hereby made the duty of said marshal appointed under this act, at all times of the day and night within said village, and said marshal is accordingly hereby hereunto empowered to especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and property, preserve order at every public election, remove nuisances existing in public streets, roads, places and highways, repress and restrain disorderly houses, to arrest all street beggars and mendicants, enforce every law relating to the suppression and punishment of crime, or any ordinance, rule regulation or by-laws of the trustees. Said marshal shall have power and authority to immediately arrest without warrant, and to take into custody, any person who shall commit or threaten or attempt to commit, in the presence of such marshal or within his view, any breach of the peace or offense directly prohibited by this act of the Legislature, or by any ordinance, rule, regulation or by-law of the village; such marshal shall immediately, and without delay upon such arrest, convey in person such offender before the police justice of the village, and in case of his absence from the village, or inability to act, before any justice of the town of Middletown, that he may be dealt with according to law.

§ 8. Section three of title eleven is hereby amended by striking out from the end of said section, the words, "no part of said village within the town of Southfield, except that part fronting on Bay street and New York avenue, shall be constituted a lamp district, and said part shall be and remain a separate and independent



district;" and inserting in lieu thereof the following words: The board of trustees may, by resolution passed at any regular meeting, enlarge the lamp district provided for in section two, so as to embrace the whole, or any part of said village; and it shall be lawful for said board of trustees to constitute the whole of said village into one lamp district, and to levy and collect the cost and expense, for the support and maintenance of the gas and lamps upon the persons and property liable to taxation within such village.

Trustees  
may  
enlarge  
lamp dis-  
trict, etc.

§ 9. Section one of title twelve of said act, is hereby amended by striking out therefrom the words, "for the support of schools," and by striking out the words, "forty thousand dollars," and inserting instead thereof the words, "twenty-five thousand dollars."

Section 1,  
title 12,  
amended.

§ 10. Section seven of title thirteen of said act is hereby amended by striking out therefrom the first and second subdivisions thereof, containing the words, "for salaries of school teachers," "for support of schools, and all other expenses connected therewith, repairs, rents, books, stationery, printing, fuel, office furniture, etcetera."

Section 7,  
title 13,  
amended.

§ 11. Title thirteen of said act is hereby amended by adding thereto an additional section, as follows:

New  
section.

"It shall not be lawful for the board of trustees to direct any payments to be made from the village treasury, of any greater sum than shall, at the time, be actually in the village treasury, and it shall not be lawful for the president to sign, or the clerk to countersign, or for either of them to issue, warrants upon the treasurer for any greater amount than shall at the time, be actually in the hands of the treasurer, to the credit of the village. Every violation of the provisions of this section shall be a misdemeanor."

No pay-  
ment to be  
ordered or  
warrant  
drawn for  
a larger  
sum than  
actually  
in the  
treasury.

§ 12. Section fourteen of title fifteen is hereby amended to read as follows:

§ 14. This act is hereby declared to be a public act, and shall be construed favorable for every beneficial purpose therein mentioned or contained; and every trustee, or other officer of the village, who shall violate any of the provisions of this act, or shall willfully

This act,  
how to be  
construed.

neglect to perform any of the duties enjoined upon him by this act, shall be deemed guilty of a misdemeanor.

§ 13. This act shall take effect immediately.

## Chap. 880.

AN ACT to incorporate the New York and Queens County Bridge Company for the purpose of constructing and maintaining a bridge over the East river between the city of New York and the county of Queens.

Passed June 8, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

SECTION 1. Prosper M. Wetmore, Blaize L. Harsell, George F. Carman, J. Madison Blackwell, Thomas D. Robinson, Benjamin W. Hitchcock, Aaron A. De Grauw, William Herrick, Benjamin W. Downing, Walter Veits, Daniel Garrison, James Jacks, Henry M. Onderdonk, William R. Dyer, Robert M. C. Graham, John S. Marcy, Oliver Charlick, J. Lawrence Smith, Henry C. Platt, Charles Holett, Lyman B. Smith, J. Henry Perkins and their associates are hereby created a body corporate and politic by the name of the New York and Queens County Bridge Company for the purpose of constructing and maintaining a permanent bridge over the East river between the city of New York and the county of Queens, as hereinafter provided, and as such corporation are invested with all the powers and privileges, and are subject to all the liabilities, conferred and imposed by title three, chapter eighteen of part one of the Revised Statutes.

Corporate name and purpose.

Corporation may purchase and hold necessary real estate.

§ 2. The said corporation shall have power to purchase, acquire and hold as much real estate as may be necessary for the site of said bridge, and of all piers, abutments, approaches, walls, toll-houses and other structures proper to said bridge, and for the opening of suitable avenues or approaches to said bridge, but not any land under water in the river beyond the pier lines established by law; to borrow money, from time to

time, not exceeding in the aggregate at any one time the amount of its capital; to make and establish, from time to time, ordinances and laws under reasonable penalties, to be recovered in the name of and on behalf of the said corporation in any court in the city and county of New York, or county of Queens, having the jurisdiction of justices of the peace, regulating the travel over said bridge by vehicles, animals and persons; and in case of destruction of said bridge to reconstruct and maintain the same, and to borrow additional moneys sufficient for that purpose.

May  
borrow  
money.  
Ordinances,  
etc.

§ 3. The capital stock of said corporation shall be two millions of dollars, divided into shares of twenty dollars each. The directors of said corporation may at any time, with the consent in writing of stockholders holding a majority of the stock, increase such capital to an amount not exceeding four million dollars; the shares shall be deemed personal property, and may be transferred in such manner as shall be prescribed by the by-laws of the corporation.

Capital  
stock.  
  
Increase  
of.

§ 4. The persons named in the first section of this act shall constitute the first board of directors of said corporation, and shall hold their places as such until the first Monday of June, eighteen hundred and seventy-three, and until others shall be elected in their stead. The number of directors, after the time last mentioned, shall not be less than thirteen, nor more than twenty-one, to be fixed in the by-laws of the corporation. An election of directors shall take place on the first Monday of June, in the year last aforesaid, and annually on that day thereafter, at an hour and place to be designated in the by-laws, and the persons then elected by a majority of shares, voted upon by stockholders in person or by proxy, shall constitute the directors for the then ensuing year, and until others shall be duly elected in their places. All vacancies which shall occur in the board of directors by death, resignation, mental incompetency, removal from the State, or otherwise, shall be filled by appointment of a majority of the remaining members for the balance of the term thus vacated. No person shall be a director unless he shall be a stockholder, owning absolutely in his own right, and in the election of

First  
directors.

Number of  
directors.

Election  
of

Vacancies,  
how  
filled.

Qualifications  
of  
directors.

directors, each stockholder shall be entitled to one vote, personally or by proxy, on every share held by such stockholder thirty days previous to such election. A majority of said board shall constitute a quorum.

Officers.

§ 5. The officers of the corporation shall consist of a president, secretary and treasurer, who shall be annually elected by the incoming board of directors. They may elect a chief engineer, and such subordinates may be appointed from time to time as this board may direct. A record of the proceedings of the board of directors shall be kept by the secretary, and a statement of the financial condition of the corporation, the amount of money expended on account of said bridge, and its appurtenances, and of all receipts and expenditures, shall be annually prepared by its president and treasurer, verified by them under oath, and filed in the office of the Secretary of State on or before the first day of June in each year.

Record of proceedings.

Financial statement to be filed.

Rates of toll.

§ 6. The board of directors shall have power to fix the rates of toll for persons, animals, carriages and vehicles of every kind or description passing over the same. Toll-gates shall be kept at each end of the bridge, and the toll demanded and paid upon entering on the bridge. The rates of toll shall be posted up conspicuously at the toll gates. The said directors shall reduce the rates of toll, from time to time, so that the net profits of said bridge shall not exceed the sum of fifteen per cent. per annum after deducting the expenses of repairs and improvements to said bridge, its appurtenances and approaches, and all just and proper damages against the said corporation.

Toll gates.

Rates to be posted.

When to be reduced.

Counties of N. Y. and Queens may take bridge.

Amount to be paid therefor.

§ 7. The counties of New York and Queens, or either of them, may at any time take the said bridge and appurtenances and acquire all property therein by the payment to the said corporation of the cost thereof, together with thirty-three and one-third per cent. in addition thereto, provided, the said bridge be made free to be passed by travelers and vehicles without toll or other charges.

Injuries to bridge, how punished.

§ 8. Any person willfully doing any injury to the said bridge, or any of its appurtenances, shall forfeit, and pay to the said corporation, three times the amount of

such injury, and shall be deemed guilty of a misdemeanor, and be subject to a penalty not exceeding five hundred dollars and to imprisonment not exceeding six months, in the discretion of the courts.

§ 9. Concurrent jurisdiction shall be possessed and exercised by the courts of the city and county of New York and the county of Queens respectively over all crimes and offenses committed upon the said bridge over the East river.

Concurrent jurisdiction of courts.

§ 10. Nothing in this act contained shall be construed to authorize, nor shall it authorize, the construction of any bridge which shall obstruct the free and common navigation of the East river, or the construction of any pier in the said river beyond the pier lines established by law; such bridge shall not be less than one hundred and thirty feet elevation above high tide at the middle of the river. It shall not obstruct any public road, street or avenue, which it shall cross, but such public road, street or avenue shall be spanned by a suitable arch or suspended platform as shall give a suitable height for the passage under the same for all purposes of public travel and transportation. No street, road or avenue running in the line of said bridge and approaches, shall be closed without full compensation to the owners of land fronting on the same for all damages they may sustain by reason thereof. The said bridge shall commence between the Third avenue and East river, and between Fortieth and Ninety-second streets in the city of New York, and shall be so constructed as to cross the river as near opposite as practicable to Long Island, to such a point as will afford and give reasonable grade and facilities for approaches. The said bridge shall be built with a substantial railing or siding, and shall be kept fully lighted through all hours of the night.

No bridge to be built obstructing free navigation.

Elevation of bridge.

Streets not to be obstructed.

Compensation to be made in case street is closed.

Location of bridge.

§ 11. If the said corporation shall be unable to agree, for any reason, with the owner or owners of any real estate required for its purposes as aforesaid, for the purchase thereof, it shall have the right to acquire the same, in the manner and by the like special proceedings as are authorized and provided for obtaining title to real estate required for the purposes of a railroad corporation, under the fourteenth section of the act entitled

Proceedings to acquire title to necessary real estate.

"An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the other sections of the said act relative thereto, and any acts amendatory thereof or in addition thereto. And for that purpose all such acts shall be considered applicable to the corporation hereby created, as far as may be in like manner as if the same were named therein; and such modifications may be made in the formal part of the proceedings, in order to apply the same to the corporation hereby created, instead of a railroad corporation, as shall be approved of by the Supreme Court; and the said court may make such orders and regulations as to the mode and manner of conducting the proceedings, and all things relative thereto, so as to effectuate and make the same valid for acquiring title to such real estate as the said court may deem proper; and the title thus acquired by the said corporation shall vest in it the fee simple of the said lands. The said court, on sufficient cause being shown, and on proof of payment or tender of the amount to be paid for such real estate in any manner as may have been required by said court, may issue summary process, in such form as may be deemed proper, to the sheriff of the proper county, commanding him, without delay, to put the said corporation, by its proper agents, in the possession of such real estate, and to enforce such process in such manner as may be conformable to law.

When summary process to issue to put corporation in possession.

Land under water to be used.

Not to affect rights of wharf owners.

Further corporate privileges.

§ 12. The said company is hereby authorized to use and occupy so much of the lands under water of the East river, not exceeding in all a front on either shore of two hundred and fifty feet, as may be necessary for the construction of the piers and towers of the bridge to be constructed by it; provided, such piers or towers shall not extend into the said river beyond the pier lines established by law. But nothing in this section contained shall be held to affect the right of any owner of any wharf, dock or other property upon or over said land under water.

§ 13. In addition to the powers herein conferred upon said company, it shall be lawful for the said company to receive any real estate, water-rights or other property

that may be donated to said company for the purpose of aiding the said company in prosecuting its work, and to sell, lease or otherwise use the same for the benefit of the said company ; and whenever it shall be deemed necessary by the said company to take a portion of any lot of ground, water-rights or other property in the construction of the works authorized by this act of incorporation, or any amendment thereof, and the directors or a majority of them for the time being, shall deem it for the interest of the said company to purchase any real estate, water-rights or other property connected therewith, it shall be lawful for them so to take as now authorized by law, and to purchase as aforesaid, and to use, lease, sell or otherwise dispose of the same, or any lands acquired by purchase or donation.

§ 14. The said company is hereby authorized to operate or dispose of the right to operate a passenger railroad over the said bridge, provided that the fare to be charged thereon shall not exceed the rate established by law for city railroads in the city of New York. But nothing in this section contained shall be held to authorize the running or operating a railroad except between the termini of said bridge.

May  
operate  
passenger  
railroad  
over said  
bridge.

§ 15. The said company shall commence the construction of said bridge within three years, and the same shall be completed within seven years from the date of the passage of this act.

When  
bridge to  
be com-  
menced  
and when  
com-  
pleted.

§ 16. This act shall take effect immediately.

## Chap. 881.

AN ACT to incorporate the Manhattan Mercantile Association of New York.

Passed June 11, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Joseph H. Livingston, Jerome Buck, William W. Dibblee, Thomas E. Garson, Stebbins J. Willis, Lewis J. Fisher, A. Paraf, R. Stahel, A. Bower, James B. Mackenzie, together with such other persons as shall hereafter become associated with them, are

Corporators.

Corporate  
name and  
object.

hereby created a corporate body under the name, style and title of the Manhattan Mercantile Association of New York. The business of said corporation shall be the buying and selling, on commission, wool, cotton, and other southern and western productions; and said corporation shall have authority to establish such offices and agencies in various parts of the country as may be necessary for the purpose of securing consignments, making purchases or effecting sales.

Corpora-  
tion may  
accept  
sight  
drafts,  
etc., and  
make ad-  
vances on  
goods con-  
signed to  
it.

§ 2. The said corporation shall have power to accept sight and time bills or drafts, and make notes, make advances in cash or by their time acceptances on shipments, and charge interest on all such advances, until repaid by the sale of the goods upon which said advances had been made, at such rates as may be agreed upon by the consignor or owner of the merchandise, but in no case to be at a higher rate than is authorized by the State wherein the consignor or owner resides or ships the same from. And the corporation shall have the power to sell any consignment on which advances have been made, when deemed necessary (at market value) to protect the interests of said corporation. And the said corporation shall have the power to buy, sell, consign or order merchandise from and to other countries than the United States, and may buy, sell, or operate in wool, cotton and other southern and western productions, on its own account or on joint account with other parties, but in no case with any of its own paid officers or agents. The said corporation may charge a commission on all sales, which may be a commission only, or a commission and guarantee; and shall also be entitled to make the usual charges for storage, insurance, labor, drayage, brokerage and necessary repairs to packages or bales.

May sell  
property  
at market  
rates upon  
which  
advances  
have been  
made.

May buy,  
sell, etc.,  
wool and  
cotton on  
its own  
account.

Commis-  
sions,  
etc.

Capital  
stock.

Increase  
of

§ 3. The capital stock of said corporation shall consist of one thousand shares, of the par value of one hundred dollars each, with privilege of increasing the same to twenty thousand shares, or any part thereof, by a vote of two-thirds of the board of directors, with the consent of three-fourths of the stockholders. And the corporators, or a majority of those named in the first section of this act, shall have power to procure sub-



scribers to such stock; and when not less than five hundred shares shall have been subscribed, and twenty-five per centum paid thereon, the shareholders shall elect not less than five directors, to serve until the next annual election, or until their successors shall be duly elected and qualified; and when the sum of twenty-five thousand dollars shall have been paid in, the said corporation may commence active business operations. The directors shall have power to call in the capital of said corporation when and as they may see proper, and also to make and establish such by-laws for their government as may be necessary and not inconsistent with the provisions of this act or with the Constitution of the United States or of the State of New York.

§ 4. The said corporation is hereby authorized to receive for warehousing, safe keeping or storage, goods, wares and merchandise of all kinds, grain, flour, produce, whiskey or other property, subject to such charge for factorage, storage and insurance as may be agreed upon between the corporation and the owners or depositors of such property; to take charge of and perform the duty of paying duties on bonding, receiving, lading, hauling and delivering all such goods, wares, merchandise or property, deposited or intended to be deposited with said corporation; to insure, or cause to be insured, the owner or owners thereof against all loss by fire or water, whether in transit or on storage, for such an amount, time and price as may be agreed upon between the said owner or owners, depositors or agents, and the said corporation; and shall have power to advance money or credits upon any property in its custody, or upon bills of lading, or certificates representing goods on storage elsewhere, or on transit from one portion of the United States to another, or to or from any foreign port, on such terms as may be agreed upon between the borrowers and said corporation. It shall be lawful for the said corporation to lease or purchase, hold or convey real estate as follows:

1. Such as shall be necessary for its immediate accommodation in the transaction of its business.

2. Such as shall be mortgaged to it in good faith by way of security for debts.

When shareholders to elect directors.

When to commence business.

By-laws, etc.

May do a general warehousing business.

Pay duties, etc.

Insure property, etc.

Advance money on property in custody.

What real estate may be held.

3. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4. Such as it shall purchase at sale under judgments, decrees or mortgages held by the corporation, or shall purchase to secure debts due the same. It shall also have power to build upon or alter such real estate as may be necessary to carry on the business of the corporation.

Corporation may borrow money and create indebtedness, etc.

§ 5. The said corporation may borrow money and create indebtedness in such a way and manner as the board of directors may deem necessary for the prosecution and management of the same, and to issue a security of the said corporation in such form and manner and payable in such place as it may deem proper at a rate of interest not exceeding seven per centum, and dispose of such securities in such a manner and at such place as the board of directors may direct, but not to exceed more than fifty per centum of their capital stock.

Limitation.

Receipts and certificates to be negotiable.

§ 6. Any receipt or certificate issued by said corporation for any goods, wares, merchandise or property as aforesaid, stored or deposited with the said corporation shall be negotiable, and may be transferred by indorsement and delivery of said receipt or certificate, and any holder of such to whom the same may be so indorsed or delivered shall be deemed and taken to be the owner of said goods, wares, merchandise property therein specified, either absolutely or as a pledge for any advance or credits on the same as the case may be, subject, however, to all charges thereon; and no property so specified shall be delivered by said corporation except on the surrender and cancellation of said original receipt or certificate, or in case of the partial delivery or release thereof by the written assent of the holder of said receipt or certificate indorsed thereon. Provided, that all receipts or certificates issued by the said corporation shall have the words "not negotiable" plainly written or printed on the face thereof, shall not be transferrable by indorsement or delivery, as aforesaid.

Proviso.

When notice may be

§ 7. In case any property deposited with said corporation, upon which any advance shall have been made,

shall, before the maturity of the contract, from any cause decrease in value from the price originally fixed, said corporation may give notice in writing to the owner of such property or his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value within sixty days, and in default thereof, may sell and dispose of such property at public or private sale, and out of the proceeds thereof may retain the amount due under the contract, together with the costs, commissions and expenses.

given to owner to perform contract, etc., in default may sell property.

§ 8. The stockholders of this corporation, incorporated under this act, shall be only liable to the creditors of the corporation in which they are stockholders to an amount equal to the amount of their subscription to the capital stock of said corporation, or so much of the same as may not have been called in by the board of directors.

Liability of stockholders.

§ 9. The business and corporate powers of said corporation shall be exercised by a president and board of directors, consisting of such number of persons, not less than five and not exceeding twenty-one, as may be prescribed by the by-laws of said corporation, to be elected annually by a majority of the stockholders voting at an election to be held at such time and place as may be prescribed by the by-laws of said corporation, and it shall be lawful for the said corporation, by a vote of two-thirds of the board of directors, with a consent of the majority of the stockholders, to permit dealers with the corporation to participate in the profits of the business of the corporation, on such terms as may be prescribed by the board of directors, and also to provide for the issue of scrip for such profits, and how far such scrip shall be liable for the losses that may be sustained by said corporation, and in what manner such scrip shall be redeemed and paid off. Provided, that no dividend or payment by said corporation to or on account of such scrip shall be made so as to impair the cash capital of said corporation.

Business to be managed by president and board of directors.

When dealers may participate in profits.

§ 10. This act shall take effect immediately.

## Chap. 882.

AN ACT to amend an act entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same," passed April seventeenth, eighteen hundred and fifty-four.

Passed June 11, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of title ten of chapter three hundred and eight-four of the Laws of eighteen hundred and fifty-four, is hereby amended so as to read as follows:

Accounts  
of city to  
be under  
direction  
of the  
comptroller.  
Forms of  
keeping  
city  
accounts  
to be pre-  
scribed.

§ 1. The accounts of the city and management of its finances shall be under the direction of the comptroller of said city, subject to the provisions of law and the ordinances of the common council, and the comptroller of the city of Brooklyn shall prescribe the forms of keeping and rendering all city accounts and all statements required by law to be made by any department or officer of the city government, or by the police justices, or justices of the peace; and all accounts rendered to or kept in the various departments of the city government, shall be subject to the inspection and revision of said comptroller, and all such officers, departments and justices are hereby required and directed to keep such accounts, and to render such statements in such manner and at such times as said comptroller may prescribe. All bonds and certificates of indebtedness hereafter to be issued and sold by the city of Brooklyn, shall bear interest at seven per cent., and shall be sold by the comptroller of the city; and all bonds other than assessment fund bonds, and sewerage fund bonds, shall be sold to the highest bidder, after public advertisement of the sale, and after the receipt of sealed proposals, provided that such bonds shall not be sold for less than par value.

Interest  
on bonds,  
etc.  
Sale of  
bonds.

§ 2. Within five days after the passage of this act, the comptroller shall furnish to the treasurer a statement of all appropriations for city purposes remaining unexpended at the close of business, December thirty-first, eighteen hundred and seventy-one, and shall, in like manner, furnish him from time to time with proper statements of all appropriations hereafter made for such purposes. It shall be the duty of the treasurer to keep books showing at all times, the condition of the several appropriations and such other particulars as may be directed by the comptroller, but no warrant shall be paid on account of any appropriation, or be charged to any account, unless there is a balance equal to the amount of such warrant standing to the credit of the proper account and applicable to such payment.

Comptroller to furnish statement of all appropriations remaining unexpended.

Treasurer's books, what to show.

§ 3. The treasurer shall give receipts (in duplicate if requested), in such form as shall be prescribed or approved by the comptroller, for all moneys paid to him for taxes, assessments, loans or other purposes, which receipts shall specify what the amounts are for, and the accounts credited by him therewith. And all such receipts or duplicates thereof shall forthwith be filed with the comptroller.

Receipts for money.

§ 4. It shall be the duty of the comptroller to render to the common council, on the first day of each month, a tabular statement of the appropriations, exhibiting the balances thereof, at the beginning of the previous month, the expenditures on account of each appropriation, and the balance unexpended at the close of such previous month. Such monthly report shall also state the amount of money in the city treasury at the beginning of the previous month, the aggregate receipts from all sources, the aggregate disbursements and the balance at the close of business on the last day of such previous month, and in what bank or banks the money was deposited.

Tabular statement of appropriations to be furnished by comptroller monthly.

To show moneys received, disbursed, and balances at beginning and end of month.

§ 5. It shall be the further duty of the comptroller, from time to time, to communicate to the common council plans and suggestions for the increase and better management of the city revenues for promoting economy in the public expenses, and generally for improving the administration of the finances of the corporation.

Comptroller to submit plans for better management of finances, etc.

§ 6. All acts and parts of acts containing provisions inconsistent with any of the provisions of this act, are, so far as these provisions are concerned, hereby repealed.

§ 7. This act shall take effect immediately.

## Chap. 883.

AN ACT to confer jurisdiction upon the Supreme Court or the judges thereof in proceedings under chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, entitled "An act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," as amended by chapter nine hundred and twenty-five of the Laws of eighteen hundred and seventy-one, and to repeal section ten of said act as thus amended.

Passed June 15, 1872.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Petition of tax payers under general railroad bonding acts may be presented to justice of Supreme Court at special term.

Said judge or court may take proofs, etc.

SECTION 1. The petition of a majority of the tax-payers of any municipal corporation in this State who are assessed or taxed, or represent a majority of the taxable property of said corporation as required and provided by section one of chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, as amended by chapter nine hundred and twenty-five of the Laws of eighteen hundred and seventy-one, duly verified as therein required, may be presented to any judge of the Supreme Court at any special term of said court, and on such presentation said judge or said court shall have all power and proceed to give notices, hear the parties and proofs, and adjudge, decree and determine as to all matters in like manner, and in all respects and with like force and effect as the county judge would have done under the acts hereby amended had such petition been

presented to him. Such court or judge thereof upon the presentation of such petition or at any time thereafter during the pendency of any proceeding are hereby authorized to appoint any proper person as referee to take the evidence, and report thereupon upon any questions pending in such proceedings, and such person thus appointed referee shall have all the powers of referees appointed by the Supreme Court in actions therein, and shall report the evidence taken by him with his conclusions of fact and law and opinion thereupon to said judge or court appointing him. The said judge or any special term of said court may, on a notice of not less than eight days to all parties appearing on the hearing upon filing the report of said referee, hear, determine and decree as to all matters as though the proofs had been taken without any reference in such proceedings, and with like force and effect as is provided with regard to a county judge under the acts hereby amended. No appeal can be taken from any order or decree under this act, unless on notice to all parties appearing on the hearing and the granting or refusing said appeal, and proceedings thereunder shall be governed by the same rules as govern the granting or refusing a certiorari of proceedings under the acts hereby amended and proceedings under said certiorari if allowed.

May  
appoint  
referee to  
take  
evidence,  
etc.

Powers of  
referee.

Upon  
filing  
report of  
referee,  
court or  
judge,  
upon  
notice,  
may pro-  
ceed to  
hear and  
deter-  
mine.

Appeal,  
how  
taken.

§ 2. Section ten of chapter nine hundred and seven of the Laws of eighteen hundred and sixty-nine, as amended by section three of chapter nine hundred and twenty-five of the Laws of eighteen hundred and seventy-one is hereby repealed.

Section 10,  
chapter  
907, Laws  
of 1869, as  
amended,  
repealed.

§ 3. This act shall take effect immediately.

## Chap. 884.

AN ACT to provide for a commission to propose amendments to the Constitution.

Passed June 15, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Governor,  
with the  
Senate, to  
appoint  
commissioners to  
propose  
amend-  
ments to  
the Con-  
stitution.

SECTION 1. The Governor by and with the advice and consent of the Senate to designate thirty-two persons, four from each judicial district, who shall constitute a commission for the purpose of proposing to the Legislature, at its next session, amendments to the Constitution; provided that no amendments shall be proposed to the sixth article thereof.

Vacancies, how  
filled.

§ 2. Every vacancy that may at any time occur among the members of such commission shall be filled by the Governor and Secretary of State.

Meetings,  
where to  
be held.

§ 3. The meetings of such commission shall be held in the city of Albany.

Chairman,  
clerks,  
etc.

§ 4. The commission shall have power to choose a chairman, and to appoint so many clerks, messengers and door-keepers as may be necessary for the transaction of its business, not exceeding ten in number, and to regulate their pay.

Compensation of  
commissioners.

§ 5. Each member of the commission shall be entitled to receive for his services the sum of ten dollars a day for not exceeding fifty days, and the same mileage as is allowed to members of the Legislature.

Bills for  
printing,  
etc., to be  
audited by  
Comptroller.

§ 6. All bills for printing, stationery, postage and other incidental expenses of such commission, shall be certified by the presiding officer thereof, and audited by the Comptroller.

Appropriation for  
expenses.

§ 7. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses connected with such commission.

§ 8. This act shall take effect immediately.



## Chap. 885.

AN ACT to incorporate "The Gilbert Elevated Railway Company," and to provide a feasible, safe and speedy system of rapid transit through the city of New York.

Passed June 17, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. George B. Grinnell, B. W. Van Voorhis, Elisha A. Packer, Rufus H. Gilbert, William Foster, Jr., Henry J. Davison, Burnet Forbes, M. O. Davidson, J. E. Southworth, Howell W. Bickley, Isaac P. Martin, P. Lorillard, H. D. Clapp, J. C. Williams, B. J. Dillon, Henry S. Winans, their associates, successors or assigns, or a majority of the same, are hereby created a body corporate and politic, by the name of the "Gilbert Elevated Railway Company," and by that name shall have succession. The capital stock of said company shall be three and a half millions of dollars, divided into thirty-five thousand shares of one hundred dollars each.

Corpo-  
rators.

Corporate  
name.

Capital.

§ 2. The business and offices of said company shall be managed by a board of not less than seven directors, to be elected within thirty days after the passage of this act, by the above-named corporators, of whom a majority shall determine the day when and where the election shall be held, and shall give notice thereof to each of the said corporators hereinbefore named, which notice shall be delivered at, or mailed to, their respective abodes or places of business, at least fifteen days previous to the time of election, and such of the said corporators as shall attend the said election, or there be represented by proxy, shall appoint two tellers to conduct the election and declare the result, and the eleven persons receiving the highest number of votes shall be declared directors of the said company, and shall have power to fill all vacancies occurring in the board. After the said first election, the directors shall be elected

Board of  
directors.

Election  
of.

Annual  
election.

annually by the stockholders of the said company, either by person or proxy. Each stockholder shall be entitled to one vote for each share of stock held by him, and due notice of said election shall be given in at least two daily papers published in the city of New York.

Notice.

Powers and privileges of corporation.

How railway to be operated.

Depots, switches, etc.

Route of railway, etc., to be designated by commissioners.

§ 2. The corporation hereby created shall possess all the rights, powers and privileges, and be subject to all the provisions of an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof, except as far as the provisions of the said act are modified by, or are inconsistent with, the provisions of this act; and the said corporation is hereby authorized and empowered to make, construct and maintain an elevated railway, to be operated by the plan known as "Gilbert's Improved Elevated Railway," over, through and along streets, avenues, thoroughfares and places in and of the said city of New York, and to construct, maintain and operate the said tubular ways and railways by atmospheric power, compressed air or other power, together with the necessary sidings, stations, switches, turnouts, platforms, stairways, elevators, air reservoirs and connecting tubes for the transmission of power, telegraph and signal devices, and all other appliances requisite to convey passengers, mails and merchandise, as contemplated in this act, and in the said system of railways over the streets, roads, squares and avenues herein mentioned. The said corporation may make the necessary depots along the route, with the necessary switches, turnouts, conveyances, connections and openings for the proper working and operation of the said railways; and the said streets, avenues, thoroughfares and places over, through and along which the said elevated railway may be so constructed, established, maintained and operated, shall be ascertained, designated and established by a board of commissioners, who shall designate and establish the same, and in such manner as shall, in their judgment, be convenient and necessary for such project, and with the least inconvenience to those who occupy premises adjacent and upon the said streets, thorough-

fares and places in, through and along which the said elevated railway may be so established and maintained; and Henry G. Stebbins, Major-General Quincy A. Gilmore, Shepherd Knapp, Chester A. Arthur and General John A. Dix are hereby appointed such board of commissioners for and unto such purpose, with power and authority to a majority of them, to act with full, equal effect as said board, and their report thereupon shall be fully operative and final when made and delivered to the said Gilbert Elevated Railway Company for its action. But the said commission shall not designate and establish, as or for, the locality and line of said railway, any or either of the streets, avenues, thoroughfares or places lying or situate between the easterly line of the Third avenue and the easterly line of the Sixth avenue, nor through or over any of the public parks in the said city of New York.

Names of  
commis-  
sioners.

§ 4. For the purpose of making, constructing and operating said tubular ways and railways, said corporation is hereby empowered to enter upon and across the several streets, squares and avenues and land herein provided for, and into and upon the soil of the same, in all and any manner necessary to construct and maintain and operate the said tubular ways and railways along the routes so designated and established; such railways to be constructed in the most thorough and artistic manner, and of sufficient dimensions for the purposes of said tubular ways and railways, and at such heights above the streets, squares and avenues so designated and established, as will, when completed, insure the unimpeded traffic and travel in the same. The said tubular ways and railways the said corporation is hereby authorized and empowered to construct, maintain and operate, shall be substantially supported above the middle of the streets and avenues by iron arches, which shall span the same from curb to curb, the bases of which shall not, when practicable, be more than sixty feet apart, nor the arches less than fifty feet from each other. To secure the necessary foundations for the said arches, columns, piers and other structures which may be required to secure perfect safety and stability of construction, and

Corpora-  
tion for  
purpose of  
construct-  
ing rail-  
way may  
enter  
upon and  
across  
streets,  
etc.

Tubular  
ways and  
railways,  
how sup-  
ported.

Excava-  
tions for  
founda-  
tions of  
columns,  
etc.

the maintenance of the said tubular ways and railways, and the operation of the same, it shall be lawful for the said corporation to make such openings and excavations in the said streets, roads and avenues, and the public places over which the said tubular ways and railways shall be constructed as shall be necessary from time to time, and make therein and thereon such structures as shall secure stability and firmness; providing, that in all cases the surfaces of the said streets, pavements, roads and avenues shall be restored around such foundations, piers and arches or columns, to the condition in which they were before such excavations were, made with as little delay as possible; and provided, also, that the said excavations shall not in any way interfere with the sewers or gas or water mains in the said streets, roads and avenues of the same which shall not be unduly obstructed in the construction of the said tubular ways and railways; and whatever temporary structures or bridges which may be necessary for the erection or construction of the said tubular ways and railways, shall be built in a safe and workmanlike manner, and in such manner as not to interfere with the practical working of the horse railways or public travel.

Not to interfere with sewers or gas or water mains.

Corporation may acquire title to necessary real estate.

§ 5. The said corporation shall have the right to acquire the title to and hold such real estate or interest therein as may be necessary to enable it to construct, maintain and operate the said tubular ways and railways, and the motive power thereof, as herein provided; and in case it cannot agree with the owner or owners of such real estate, or interest for the purchase or use thereof, it may acquire the title of the same, in the manner specified in the acts hereinbefore referred to, except in any of the proceedings for the purpose so authorized in this section, it shall not be necessary that the petition to the courts shall make allegation for reference to any incorporations, capital stock, surveys, maps, or the filing of any certificate of location.

Railway to be for exclusive use of corporation.

§ 6. The ways and railways shall be exclusively for the uses and purposes of said corporation, and it shall not be lawful for any person or persons, other than a public officer in the execution of his duty as such, with his agents and assistants to enter upon the same, or

through any portion thereof, on foot or in any way than in the proper cars of this corporation provided for that purpose, without the consent of the said corporation, under the penalty of fifty dollars for each offense, to be recovered by this corporation. The municipal authorities of the city of New York are hereby prohibited from giving any permission to any other person, body or corporation, to do any of the acts or things hereby authorized, but shall at all times, as far as practicable, aid the said corporation in carrying out the provisions of this act. Every person who shall willfully or maliciously destroy or injure any of the tubes or other structures of the said corporation, or shall willfully or maliciously obstruct said tubular ways and railways in any way shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment of not less than three, or more than six months, or both fines and imprisonments; and shall also forfeit or pay to the said corporation three times the amount of damages they may sustain thereby, to be recovered with costs in any court having cognizance thereof. But nothing herein contained shall be construed to extend to cases where death to any person shall result from the commission of either of the offenses mentioned aforesaid.

Municipal authorities not to give permission to do acts herein authorized.

Willful injuries, how punished.

§ 7. The said corporation shall be and is hereby authorized, to collect and receive not exceeding ten cents for any distance less than four miles, and for additional distances two cents per mile, or any fractional part of a mile; but between the hours of five and eight A. M., and five and eight P. M., special cars and trains shall be run, in which the fare shall not exceed one-half the above named rates. The said corporation is also hereby authorized, in connection with other corporations, to sell and issue transfer tickets upon such terms as said corporations shall mutually agree upon, which tickets shall be transferable and good upon their respective lines of travel, surface roads, railways or ferries; provided, that the fare charged shall not exceed in amount the sum total of fares the several corporations are each authorized to charge.

Rates of fare.

Transfer tickets.

When to  
commence  
operation.

Time  
within  
which to  
complete  
railway.

§ 8. The said corporation shall commence operations as soon as practicable after the passage of this act, and shall have one year and a half to construct the said tubular ways and railways to Forty-second street, one year in addition thereto to construct the same to Eighty-sixth street, and six months additional thereto to construct the same to Harlem river, necessary and unavoidable delays from the pendency of legal proceedings against the said corporation excepted; and no omission to construct any portion shall work forfeiture to this franchise in respect to any section of said tubular ways and railways which may have been commenced or completed.

§ 9. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 10. The legislature may at any time alter, modify, amend or repeal this act.

§ 11. This act shall take effect immediately.

## Chap. 886.

AN ACT to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga county.

Passed June 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Appoint-  
ment of  
commis-  
sioners of  
drainage  
and pro-  
ceedings  
of, legal-  
ized and  
confirmed.

SECTION 1. The appointment of Peter Mosher, Harvey C. Pease and Elijah Clark, commissioners for the drainage of certain wet lands in the towns of Salina, De Witt and Manlius, in Onondaga county, in proceedings commenced under the general act for the drainage of wet lands, etcetera, wherein Jared Ludington, Joseph W. Bostwick and John Furbeck were originally appointed such commissioners by the county judge of Onondaga county, and the acts and proceedings of the persons appointed as commissioners therein, are hereby legalized and confirmed, and the present commissioners, or those hereafter appointed in their place, are authorized and empowered to proceed to acquire title to the necessary easement for the construction of the ditch and

Commis-  
sioners  
may pro-  
ceed and  
quire

channels now located by said commissioners, in the manner provided by section nine of said general act.

title to  
necessary  
easement.

§ 2. This act shall take effect immediately.

## Chap. 887.

AN ACT repealing the act entitled "An act for the appointment of commissioners of records for the city and county of New York," passed April thirteenth, eighteen hundred and fifty-five, and providing for the sale and disposition of the indices, records, documents and property held by said commissioners under said act.

Passed June 20, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act entitled "An act for the appointment of commissioners of records for the city and county of New York," passed April thirteenth, eighteen hundred and fifty-five, being chapter seven hundred and four, is hereby repealed.

§ 2. The acting commissioners in said act named, William C. Wetmore and George P. Nelson, are hereby directed to immediately transfer to the custody of the comptroller of the city of New York, all printed indices and records and documents and property held or possessed by them under and by virtue of said act, and also all policies of insurance thereon, also all moneys now in their hands received by them as such commissioners.

Commis-  
sioners to  
transfer  
to comp-  
troller the  
custody of  
all printed  
indices,  
etc.

§ 3. Said comptroller shall immediately, after the passage of this act, expose to public sale in the city of New York, upon such published notice as he may deem reasonable, said printed indices in single sets until he shall have sold at least two-thirds of each different set of said indices, and said comptroller shall also, from time to time, make such further sale of said indices at auction or otherwise, and for such price as he may deem expedient; and all proceeds of such sales and money received by the comptroller under this act shall be paid into the county treasury.

Comp-  
troller to  
sell in-  
dices in  
single  
sets.

An amount  
to be sold.

Expenses  
of sale,  
how paid.

§ 4. Any expense of carrying out the provisions of this act shall be paid by the county treasurer, and be included by the board of supervisors of the county of New York, in the next annual tax levy.

Outstand-  
ing indebt-  
edness to  
be paid by  
county  
treasurer.

§ 5. All the outstanding indebtedness of said commission incurred under and by virtue of the act hereby repealed, shall be paid by the county treasurer out of any money in his hands appropriated for said commission, on the certificate of said acting commissioners, William C. Wetmore and George P. Nelson, that said indebtedness was a part of the necessary expenses of said commission. Any act or decree to the contrary notwithstanding.

Five sets  
of indices  
to be de-  
posited in  
register's  
office.

§ 6. Said comptroller shall also deposit five complete sets of all said indices in the register's office of the city and county of New York, for public use.

§ 7. This act shall take effect immediately.



## Chap. 888.

Special meeting of the board of supervisors of Rensselaer county, State of New York, held at their rooms in the city of Troy, October twentieth, eighteen hundred and seventy-one, in pursuance of the following call:

*To Edwin Brownell, Clerk of the Board of Supervisors of Rensselaer county:*

The undersigned, members of the board of supervisors of the county of Rensselaer, do hereby request you to call a special meeting of said board on Friday, October twentieth, eighteen hundred and seventy-one, at ten o'clock, A. M., for the purpose of action in compliance with chapter eight hundred and fifty-nine of the Laws of the State of New York for eighteen hundred and seventy-one, so far as said act provides for the election of an officer other than the county judge who shall perform the duties of surrogate in and for said county.

JOHN J. SLITER,

WM. R. JONES,

IRA B. FORD,

JOHN J. BLACKHALL,

JAMES MORRIS,

C. C. PHILLIPS,

CHARLES MELIUS,

LAWRENCE SHEARY,

E. C. REYNOLDS,

WM. H. SLITER,

JOHN H. BURNS,

JAMES RYAN, Jr.,

T. C. RICHMOND,

MILO ROBINSON,

ORANGE S. INGRAM.

Roll called.

Present: Chairman Sheary, Blackhall, Brown, Connors, Grady, Green, Jones, McChesney, Miller, Morris, Phillips, Reynolds, E. C.; Richmond, Rogers, Stanton.

Quorum present.

Supervisor Green offered the following resolution:

*Resolved*, That there be elected at the next general election, a separate officer, other than the county judge, who shall perform the duties of surrogate in and for the county of Rensselaer.

Resolution adopted by the following vote:

AYES—Blackhall, Brown, Connors, Grady, Green, Jones, McChesney, Miller, Morris, Phillips, Reynolds, E. C.; Richmond, Rogers, Ryan, Stanton, Sheary—sixteen.

NAYS—None.

On motion the board then adjourned.

I do hereby certify the above to be a true copy from the minutes of the board of supervisors of Rensselaer county.

Witness my hand and seal of said board this twentieth day of October, eighteen hundred and seventy-one.

EDWIN BROWNELL,

[L. s.]

*Clerk Board of Supervisors  
Rensselaer County.*

Filed October 24, 1871.

D. WILLERS, JR.,

*Deputy Secretary of State.*

CONCURRENT RESOLUTIONS  
OF THE  
SENATE AND ASSEMBLY.

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CONCURRENT RESOLUTIONS relative to the adoption of the Fifteenth Amendment to the Federal Constitution.

WHEREAS, the Legislature of the State of New York, at its annual session in 1870, adopted a preamble and resolutions in the words and figures following, to wit :

“ WHEREAS, at the last session of the Legislature of this State, a preamble and concurrent resolution were adopted in the words and figures following, to wit :

“ WHEREAS, at the session of the fortieth Congress, it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both houses concurring, that the following articles shall be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which amendment when it shall have been ratified by three-fourths of the said Legislatures, shall be valid to all intents and purposes as a part of the said Constitution, namely :

“ARTICLE FIFTEEN.

“ 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

“ 2. The Congress shall have power to enforce this article by appropriate legislation ; therefore,

*"Resolved* (if the Assembly concur), That the said proposed amendment to the Constitution be and the same is hereby ratified by the Legislature of the State of New York.

*"And whereas*, The proposed fifteenth amendment, above recited, has not been ratified by the Legislatures of three-fourths of the several States, and has not become a part of the Constitution of the United States;

*"And Whereas*, The State of New York, represented in the Legislature here now assembled, desire to withdraw the consent expressed in the above recited concurrent resolutions; now, therefore, be it

*"Resolved* (if the Assembly concur), That the above recited concurrent resolution be and it is hereby repealed, rescinded and annulled; and be it further

*"Resolved* (if the Assembly concur), That the Legislature of the State of New York refuse to ratify the above recited proposed fifteenth amendment to the Constitution of the United States, and withdraw absolutely any expression of consent heretofore given thereto or ratification thereof; be it further

*"Resolved* (if the Assembly concur), That the Governor be requested to transmit a copy of these resolutions and preamble to the Secretary of State of the United States, at Washington, and to every member of the Senate and House of Representatives of the United States, and the Governors of the several States."

*And Whereas*, The said preamble and resolutions were transmitted to and are now on file in the Department of State at Washington, purport to withdraw the assent of the people of the State of New York to the fifteenth amendment to the Federal Constitution previously given by the Legislature of this State to which said amendment had been regularly proposed;

*And Whereas*, The action of the Legislature of eighteen hundred and seventy, in entertaining and adopting the said preamble and resolution, is deemed an unwarranted assumption of authority over a subject-matter not within its prerogatives;

*And Whereas*, It is desirable that the record of the State of New York shall be clear and unequivocal in favor of the said fifteenth amendment, therefore,

*Resolved*, (if the Assembly concur), That the preamble and resolution adopted by the Legislature of this State in eighteen hundred and seventy, purporting to withdraw the assent of the people of this State previously given to the fifteenth amendment of the Federal Constitution, be and the same are hereby rescinded.

*Resolved*, (if the Assembly concur), That the Secretary of the Department of State at Washington be and he is hereby requested (if not inconsistent with rules and regulations of his department), to return to the Governor of this State the preamble and resolutions of the Legislature of this State, passed in eighteen hundred and seventy, and now on file in his office, which purport to withdraw the assent of the people of this State to the adoption of the fifteenth amendment of the Federal Constitution.

*Resolved*, (if the Assembly concur), That the Governor be, and he is hereby requested to transmit a copy of this preamble and the resolutions accompanying the same to the Secretary of State of the United States.

STATE OF NEW YORK, }  
IN SENATE, *January 3, 1872.* }

The foregoing resolutions were duly passed.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }  
IN ASSEMBLY, *February 8, 1872.* }

The foregoing resolutions were duly passed.

C. S. UNDERWOOD, *Clerk.*

**CONCURRENT RESOLUTIONS** proposing an amendment to the Constitution relative to pay of members of the Legislature.

*Resolved* (if the Senate concur), That section six of article three, and section six of article ten of the Constitution of this State be amended so as to read as follows:

## ARTICLE THREE.

SECTION 6. The members of the Legislature shall each receive an annual salary of one thousand dollars for their services, except in proceedings for impeachment, and ten cents for every mile they shall travel in once going to and returning from their place of meeting by the most usual route. The Speaker of the Assembly shall receive an additional salary of two hundred dollars; but the Legislature shall provide, by law, for a deduction from the salary of members for non-attendance.

## ARTICLE TEN.

SECTION 6. The political year and legislative term shall begin on the first day of December; and the Legislature shall every year assemble on the first Tuesday of December, unless a different day be appointed by law.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }  
IN ASSEMBLY, *March 7, 1872.* }

The foregoing resolutions were duly passed.

By order.

C. S. UNDERWOOD, *Clerk.*

STATE OF NEW YORK, }  
IN SENATE, *April 4, 1872.* }

The foregoing resolutions were duly passed.

By order.

CHAS. R. DAYTON, *Clerk.*

# CONCURRENT RESOLUTIONS relative to the pier and bulkhead lines in the harbor of New York.

*Resolved* (the Assembly concurring), That the Governor be requested to apply to the President of the

United States to appoint three officers in the service of the United States, familiar with harbors, to examine into and revise the exterior pier and bulkhead lines of the harbor of New York, on the Brooklyn side, and report such revised line to the Legislature.

STATE OF NEW YORK, }  
IN SENATE, *February 17, 1872.* }

The foregoing resolution was duly passed.

By order.

CHAS. R. DAYTON, *Clerk.*

STATE OF NEW YORK, }  
IN ASSEMBLY, *April 6, 1872.* }

The foregoing resolution was duly passed.

By order.

C. S. UNDERWOOD, *Clerk.*

CONCURRENT RESOLUTION relative to taking Regimental flags from Military Bureau for use of Grand Army of Republic.

*Resolved* (if the Assembly concur), That the Posts of the Grand Army of the Republic of the city of Albany be allowed the use of regimental flags of Albany regiments, from the Military Bureau, on the thirtieth day of May, eighteen hundred and seventy-two, annual decoration day.

STATE OF NEW YORK, }  
IN SENATE, *April 6, 1872.* }

The foregoing resolution was duly passed.

By order.

CHAS. R. DAYTON, *Clerk.*

STATE OF NEW YORK, }  
IN ASSEMBLY, *April 10, 1872.* }

The foregoing resolution was duly passed.

By order.

C. S. UNDERWOOD, *Clerk.*

CONCURRENT RESOLUTIONS relative to  
establishing Albany as a port of entry.

*Resolved* (if the Assembly concur), That our Senators and Representatives in Congress from this State be requested to endeavor to secure such legislation as shall establish Albany as a port of entry.

*Resolved* (if the Assembly concur), That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress from this State.

STATE OF NEW YORK, }  
IN SENATE, *February 5, 1872.* }

The foregoing resolutions were duly passed.

By order of the Senate.

JAS. TERWILLIGER, *Clerk.*

STATE OF NEW YORK, }  
IN ASSEMBLY, *April 17, 1872.* }

The foregoing resolutions were duly passed.

By order of Assembly.

C. S. UNDERWOOD, *Clerk.*

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RESOLUTION that the Senate agree to the proposed amendment of the sixth article of the Constitution relative to the Court of Appeals.

WHEREAS, at the last session of the Legislature, the following amendment to the Constitution was proposed in the Senate and Assembly, viz:

That the sixth article of the Constitution of this State be amended by adding thereto the following section:

§ 28. The court of appeals may order any of the causes, not exceeding five hundred in number, pending in that court at the time of the adoption of this provision, to be heard and determined by the commissioners of appeals, and the Legislature may extend the term of service of the commissioners of appeals not exceeding two years; and



*Whereas*, the said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, and entered on the journals with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the then next general election of Senators; and

*Whereas*, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution, therefore,

*Resolved* (if the Assembly concur), That the Senate do agree to the proposed amendment.

STATE OF NEW YORK, }  
IN SENATE, *April 3, 1872.* }

The forgoing resolution was duly passed.

CHAS. R. DAYTON, *Clerk.*

STATE OF NEW YORK, }  
IN ASSEMBLY, *April 26, 1872.* }

The forgoing resolution was duly passed.

By order.

C. S. UNDERWOOD, *Clerk.*

**CONCURRENT RESOLUTION** that the Senate and Assembly agree to the proposed amendment to section two, article two, of the Constitution, relative to bribery.

**WHEREAS**, At the last session of the Legislature, the following amendment to the Constitution was passed in Senate and Assembly, namely:

That section two of article two of the Constitution of this State be amended so that it will read as follows:

Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, or larceny, or of any infamous crime, and for depriving every person who shall make or become directly or indirectly interested in any wager depend-

ing upon the result of any election, or who shall pay, give or receive, or promise to pay, or give money, or other property, or valuable consideration, with intent to influence any elector in giving his vote, or to deter any elector from voting, or from the right to vote at such election, or from holding any office voted for at such election.

*And Whereas*, The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, and entered on the journal, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators.

*And Whereas*, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution, therefore

*Resolved* (if the Senate concur), That the Assembly agree to the proposed amendment.

STATE OF NEW YORK, }  
IN ASSEMBLY, *April 19, 1872.* }

The foregoing resolutions were duly passed.

By order of the Assembly.

C. S. UNDERWOOD, *Clerk.*

STATE OF NEW YORK, }  
IN SENATE, *May 2, 1872.* }

The foregoing resolutions were duly passed.

By order of the Senate.

CHAS. R. DAYTON, *Clerk.*

**CONCURRENT RESOLUTION** proposing an amendment to the Constitution relative to State prisons.

*Resolved* (if the Assembly concur), That the following amendment to the Constitution be proposed for adoption to the people of the State, to wit:

1. There shall be a board of managers of prisons to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies in the office of manager occurring from expiration of term, or otherwise, shall be filled in like manner.

2. Said board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties, in respect to county jails and other penal and reformatory institutions in this State as the Legislature may prescribe.

3. The board shall appoint a secretary, who shall be removable at their pleasure, and who shall perform such duties as the Legislature or the board may prescribe, and shall receive a salary to be determined by law.

4. The members of the board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duty.

5. The board shall appoint a warden or chief officer, physician, chaplain and clerk or financial officer of each State prison, and shall have power to remove them for cause after an opportunity to be heard on written charges. All other officers of each prison shall be appointed by the warden thereof, and be removable at his pleasure.

6. The Governor may remove either of the managers for misconduct, incompetency or neglect of duty, after the opportunity to be heard on written charges.

7. This amendment shall go into effect on the first Monday of January after its adoption by the people, from and after which date section four of article five of the Constitution shall be null and void.

*Resolved* (if the Assembly concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of senators; and that in conformity to section one of article thirteen of the Con-

stitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }  
IN SENATE, *April 3, 1872.* }

The foregoing resolutions were duly passed.

By order of the Senate.

CHAS. R. DAYTON, *Clerk.*

STATE OF NEW YORK, }  
IN ASSEMBLY, *May 3, 1872.* }

The foregoing resolutions were duly passed.

By order of the Assembly.

EDW. M. JOHNSON, *Clerk.*

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**CONCURRENT RESOLUTION** relative to granting aid to the American Printing House for the Blind in the District of Columbia.

**WHEREAS**, The central board of trustees of the American Printing House for the Blind and the American University for the Blind has been organized in the District of Columbia under the name of the Board of Regents of the American Printing House for the Blind and the American University for the Blind.

*And whereas*, The objects of said institution are to provide for the blind facilities of instruction not heretofore enjoyed or attainable by them; that is to say, a series of text books, works of general literature, and illustrative apparatus addressed to the sense of touch, with all other methods conducive to the acquisition of thorough and liberal education.

*And whereas*, The respective State boards of trustees of said printing house or of said university are entitled to representation in said board of regents.

*And whereas*, It is for the benefit of the blind of the nation, in which those in this State are generally interested and are recipients of said facilities of education.

*And whereas*, There is a bill in Congress to make an appropriation to said printing house and university for the blind; therefore,

*Be it resolved*, (if the Assembly concur); That our Senators and Representatives in Congress be requested to favor the granting of aid by an appropriation of money to said institution, and that His Excellency the Governor be requested to forward a copy of this memorial to our Representatives in Congress.

STATE OF NEW YORK, }  
IN SENATE, *May* 10, 1872. }

The foregoing resolution was duly passed.

By order.

CHAS. R. DAYTON, *Clerk*.

STATE OF NEW YORK, }  
IN ASSEMBLY, *May* 10, 1872. }

The foregoing resolution was duly passed.

By order.

EDW. M. JOHNSON, *Clerk*.

## NAMES CHANGED,

UNDER AND PURSUANT TO CHAPTER EIGHTY OF THE  
LAWS OF EIGHTEEN HUNDRED AND SIXTY, AMEND-  
ATORY OF CHAPTER FOUR HUNDRED AND SIXTY-  
FOUR, LAWS OF EIGHTEEN HUNDRED AND FORTY-  
SEVEN.

FRANKLIN COUNTY CLERK'S OFFICE, }  
MALONE, N. Y., Dec. 30, 1871. }

*Secretary of State, Albany, N. Y. :*

SIR—By an order made by the County Court of Franklin County on the sixth day of March, eighteen hundred and seventy-one, the name of Alexander Tugaw was changed to Alexander Tugaw Adams.

Respectfully yours, etc.,

W. W. PADDOCK, *Clerk.*

Filed January 2, 1872.

A. S. Wood, *Depty Secretary of State.*

STATE OF NEW YORK, }  
ST. LAWRENCE COUNTY CLERK'S OFFICE. } ss.

In the matter of the application of George W. Jackson to change his name to George W. Boodey.

I hereby certify that an order of the County Court of said county was duly entered in this office December 12th, 1871, directing that George W. Jackson be, and he is hereby authorized, to assume the name of George W. Boodey, from and after January 13, 1872.

In testimony whereof I have hereunto set my hand  
and official seal this 30th day of December,  
[SEAL.] Anno Domini, 1871.

T. H. FERRIS, *Clerk.*

Filed January 2, 1872,

A. S. WOOD, *Deputy Secretary of State.*

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CLERK'S OFFICE, COURT OF COMMON PLEAS FOR  
THE CITY AND COUNTY OF NEW YORK,  
NEW YORK, *December 30th, 1871.* }

I, Nathaniel Jarvis Jr., Clerk of the Court of Common Pleas for the City and County of New York, do report and certify, that the names of the following persons and corporations were changed by this Court, during the year 1871, pursuant to the act of the Legislature of the State of New York passed December fourteenth, eighteen hundred and forty-seven, and of the act amendatory thereof, passed March 17, 1860, viz:

Joseph Sattig to John Sattig.

Order entered January 17, 1871.

To take effect February 18, 1871.

Diederich Schackenberg to Richard Berg.

Order entered February 15, 1871.

To take effect March 18, 1871.

George Ress to George Michel.

Order entered April 3, 1871.

To take effect May 8, 1871.

The American Baptist Missionary Convention to the  
Consolidated American Baptist Missionary Convention.

Order entered May 3, 1871.

To take effect June 3, 1871.

Lillian Isabella Mooney to Lillian Isabella Edwards.

Order entered May 12, 1871.

To take effect June 15, 1871.

Joseph Bemelmans to Joseph Bemel.

Order entered May 23, 1871.

To take effect June 20, 1871.

Francis Duffy to Frank Duffy.

Order entered May 23, 1871.

To take effect June 30, 1871.

Mary Tracy to Mary Robinson.

Order entered May 26, 1871.

To take effect June 27, 1871.

Henry M. Levy to Henry M. Lewis.

Order entered May 30, 1871.

To take effect June 30, 1871.

The Church of St. Charles to the Church of St. Elizabeth.

Order entered March 20, 1871.

To take effect May 1, 1871.

Charlotte E. Smith to Charlotte E. Adams.

Order entered August 5, 1871.

To take effect September 5, 1871.

Isaac H. Hart to Henry J. Hart.

Order entered October 10, 1871.

To take effect Nov. 10, 1871.

Eleventh Presbyterian Church in the City of New York to The Presbyterian Memorial Church of New York City.

Order entered October 17, 1871.

To take effect November 16, 1871.

William Rossiter Chadwick to William Sidney Rossiter.

Order entered November 4, 1871.

To take effect January 1, 1872.

Joseph Kettner to Francis Joseph Kettner

Order entered November 22, 1871.

To take effect December 22, 1871.



Charles T. Morrison to Charles T. Sohampain.

Order entered December 11, 1871.

To take effect January 9, 1872.

In attestation whereof the seal of the said Court is  
hereunto affixed, this 30th day of December,  
[SEAL.] 1871.

NATHL. JARVIS, JR., *Clerk*

Filed January 3, 1872.

A. S. WOOD, *Dept. Secretary of State.*

STATE OF NEW YORK, }  
ALBANY COUNTY CLERK'S OFFICE, }  
ALBANY, January 3, 1872. }

*To the Secretary of State :*

SIR—At a general term of the Supreme Court, held at the city hall, in the city of Albany, in the third judicial district, on the second day of January eighteen hundred and seventy-two, an order was duly made and entered changing the name of "The Bott and Johnson Manufacturing Company" to "The Albany Card and Paper Company."

Also an order was duly made and entered changing the name of "The Trustees of the Pearl Street Baptist Society of the city of Albany" to the "Emanuel Baptist Church."

Very respectfully,

A. C. JUDSON,

*Clerk of Albany County.*

Filed January 3, 1872.

A. S. WOOD, *Deputy Secretary of State.*

STATE OF NEW YORK, }  
MONROE COUNTY. } ss.

I, Alonzo L. Mabbett, clerk of the county of Monroe, in pursuance of the act entitled "An act to authorize persons to change their names," passed December fourteen, eighteen hundred and forty-seven, and of the act

amendatory thereof, passed March fourteen, eighteen hundred and sixty, do hereby certify that the names of the following persons and associations were changed under and by virtue of said acts, by order of court, during the year eighteen hundred and seventy-one, viz. :

Charles Woollard to Charles Briggs.

Order dated March 6, 1871.

To take effect April 10, 1871.

John Woollard to John Briggs.

Order dated March 6, 1871.

To take effect April 10, 1871.

Also the First Reformed Lutheran Society of Brockport to The First Church of the Evangelical Association of the Village of Brockport.

Order dated December 11, 1871.

To take effect January 20, 1872.

In witness whereof, I have hereunto set my hand and affixed the seal of said county this 30th [SEAL.] day of December, 1872\*.

A. L. MABBETT, *Clerk.*

Filed January 5, 1872.

ANSON S. WOOD, *Deputy Secretary of State.*

STATE OF NEW YORK, } ss.  
COUNTY OF KINGS.

Pursuant to the statute in such case made and provided, I, George G. Herman, clerk of the county of Kings, do hereby certify that the following changes of names were made by the courts of this county during the year one thousand eight hundred and seventy-one, viz. :

Ferdinand O'Reilly, to Edwin Ferdinand Marsden.

To take effect from and after March 1, 1871.

Martin Schnackenberg to Martin Berg.

To take effect from and after March 18, 1871.

\* So in the original.

Charles Edward Low to Chauncey Edward Low.

To take effect from and after January 20, 1872.

In testimony whereof, I have hereunto set my hand  
and affixed the seal of said county this 30th  
[SEAL.] day of December, 1871.

GEORGE G. HERMAN, *Clerk*.

Filed, January 20, 1872

A. S. WOOD, *Deputy Secretary of State*.

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*To his Honor, the Secretary of the State of New York :*

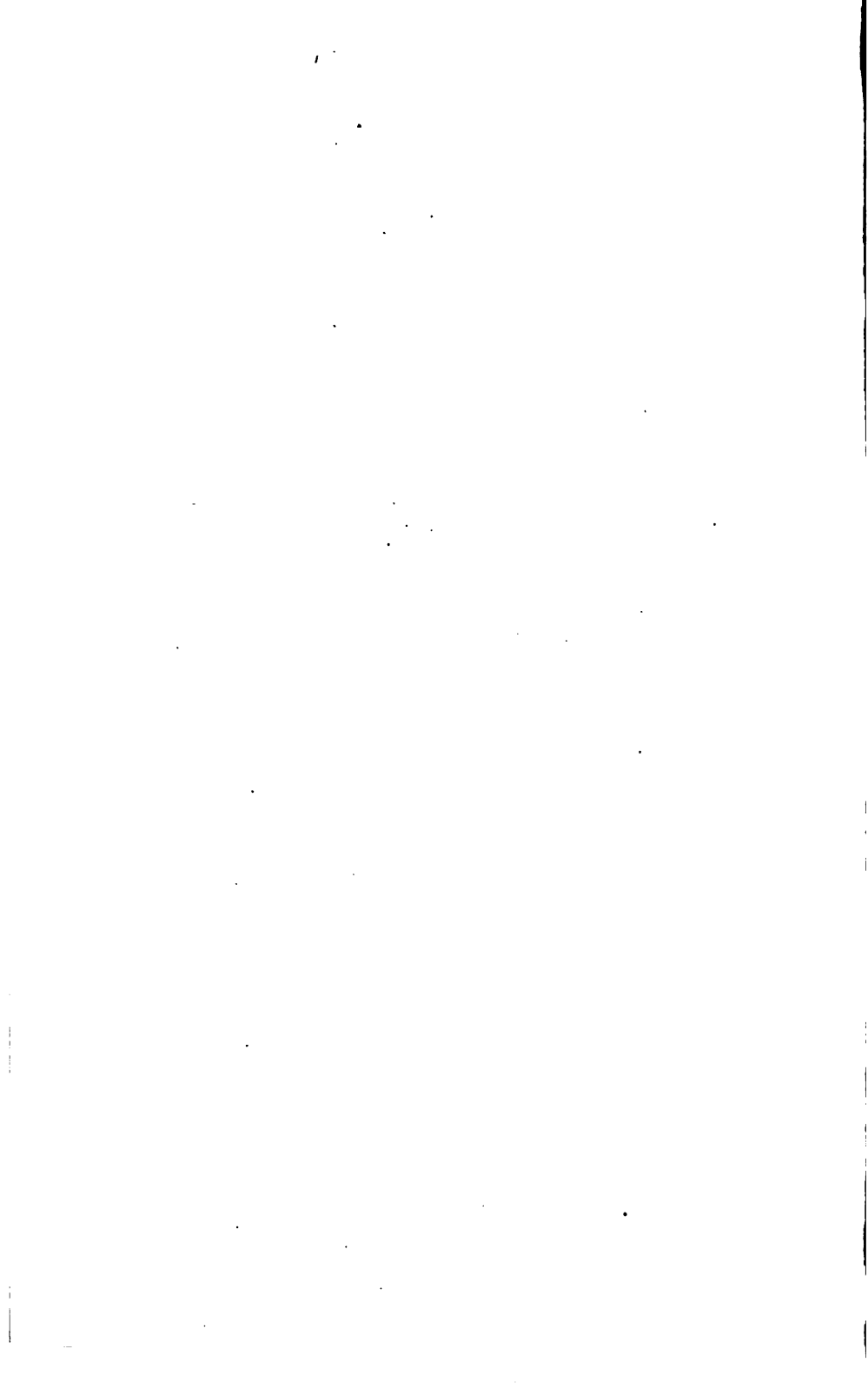
SIR—In pursuance of an act passed by the Legislature of the State of New York, March seventeen, eighteen hundred and sixty, entitled "An act to amend chapter four hundred and sixty-four of the Laws of eighteen hundred and forty-seven," I hereby certify and return that the name of Wells Adelbert Sawyer has been changed to Leon Wells Washburne, and that the order changing the same was filed in this office February 15th, 1872.

Witness my hand and seal of office this fifteenth day  
[SEAL.] of February, 1872.

WM. LAPE, *Clerk*.

Filed, February 16th, 1872.

ANSON S. WOOD, *Deputy Secretary of State*.



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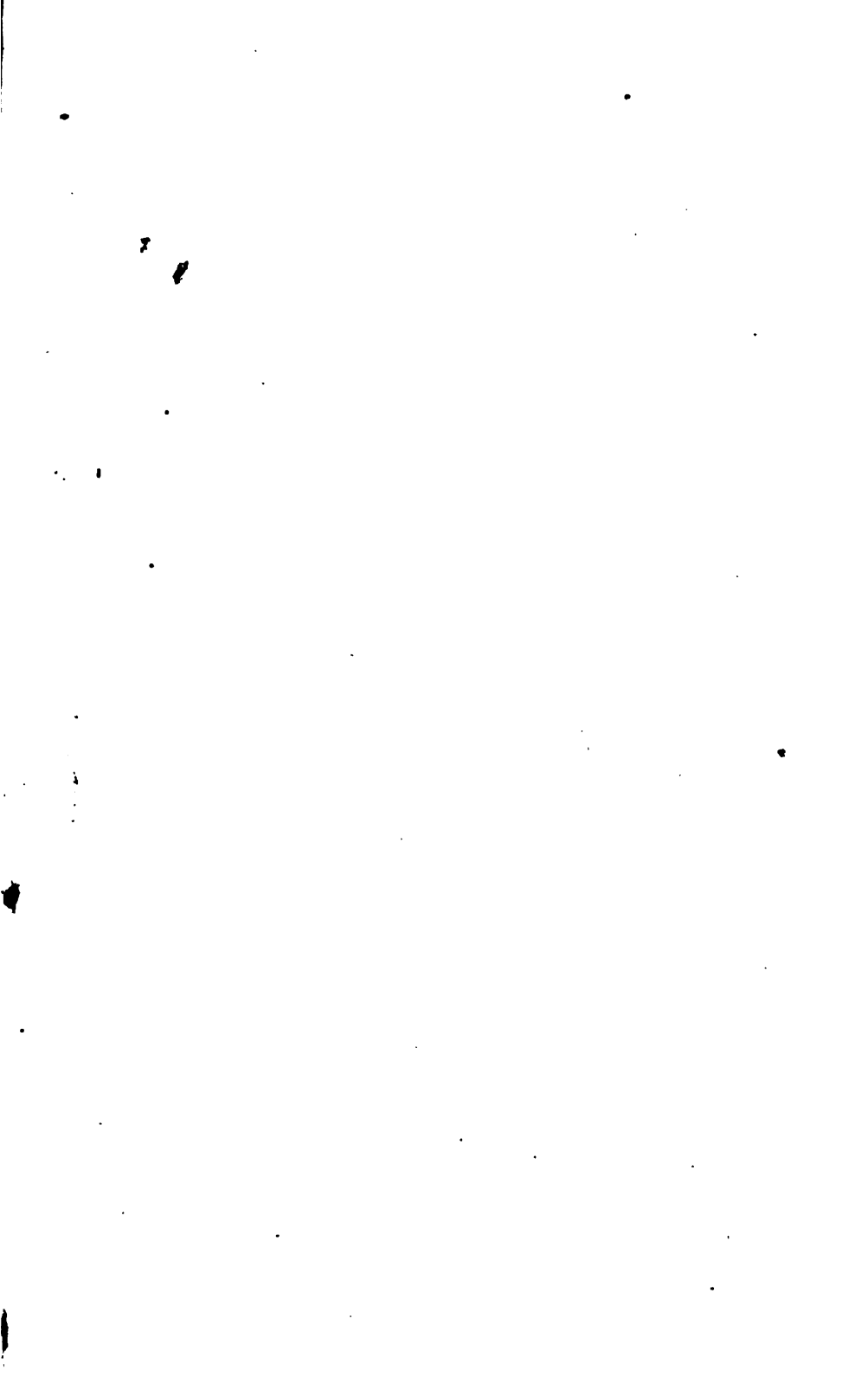
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